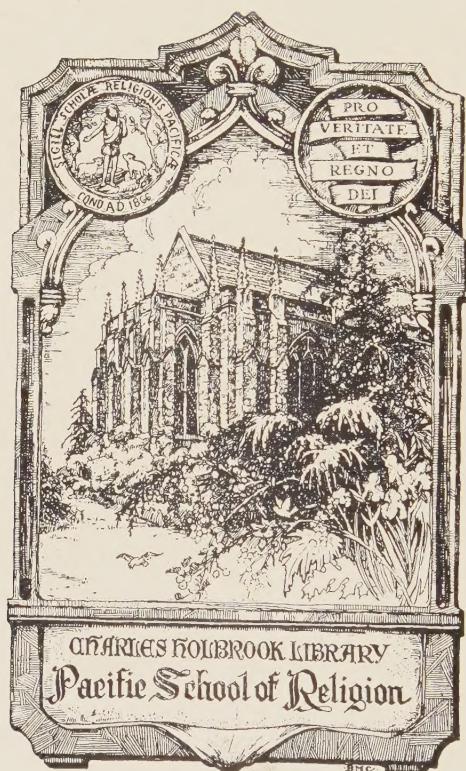
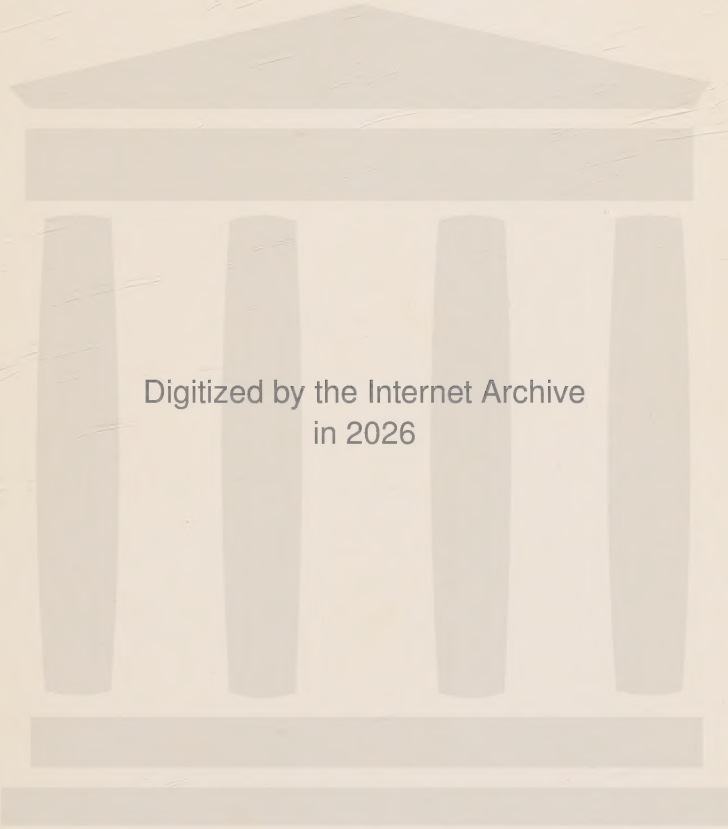
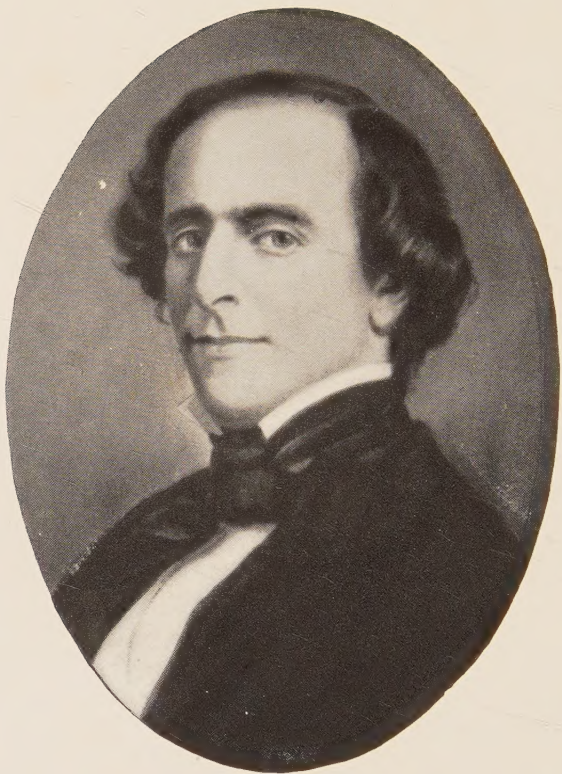




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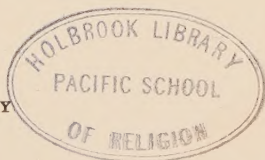
DAVID L. YULEE

(From the "Quarterly" of the Florida Historical Society, 1909)

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OF THE
AMERICAN
JEWISH HISTORICAL SOCIETY
NUMBER 25



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AMERICAN JEWISH HISTORICAL SOCIETY.

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OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of America, and to promote the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent. It is known that Jews in Spain and Portugal lent no inconsiderable aid to the voyages that led to the discovery of America, that a few accompanied the earliest discoverers and that Jews were among the first settlers on this continent, and in its adjacent islands. Considerable numbers saw service in the Colonial and Revolutionary wars, some of them with great distinction. Others contributed liberally to the Continental treasury, at critical periods, to aid in the establishment of Independence. Since the foundation of our government, Jews have played an active part in the political affairs of the country, and have been called upon to hold important public positions. The records of the achievements of these men will, when gathered together, prove of value and interest to the historian, and perchance cast light upon some obscure parts of the history of our country.

PREFACE.

The papers in this volume are drawn from among those presented at various recent annual meetings of the Society. Mr. Hühner's dates from the Philadelphia meeting of 1911; Mr. Schechter's from the session held in the same city in 1916. Mr. Friedman's paper was presented at New York in 1915, whilst Mr. Hartogensis' was submitted the preceding year in Philadelphia. Of the three papers contributed by Mr. Oppenheim, the first, on the question of the kosher meat supply in New York in 1813, was read at the meeting held in Philadelphia in 1916. The second, relating to Jacob Franks, and the third, dealing with the Simson family in New York, date from the session held at Boston in 1912. Special attention may be directed to the Notes printed in this volume because of their unusually scholarly character. They represent in part briefer papers submitted at the annual meetings of the Society in the past few years, and in part interesting material gathered for publication in our series. A word may also be found here for Judge Sulzberger's memoir of the late Joseph Jacobs; the bibliography of Jacobs' writings, appended thereto, is the fullest thus far issued.

The preparation and editing of this volume were in the hands of the Publication Committee of the Society, composed of Albert M. Friedenberg, Esq., chairman; Prof. Alexander Marx and Dr. A. S. W. Rosenbach. Dr. Cyrus Adler was a member *ex officio* of this committee.

TWENTY-FOURTH ANNUAL MEETING.

The twenty-fourth annual meeting of the American Jewish Historical Society was held at the Dropsie College for Hebrew and Cognate Learning, Broad Street below York, Philadelphia, Pa. It began on the morning of Sunday, February 20, 1916, continued on the afternoon and evening of that day and terminated on the morning of Monday, February 21, 1916.

The president, Dr. Cyrus Adler, occupied the chair, and opened the proceedings by extending a cordial welcome to those present. Mr. Albert M. Friedenberg, Corresponding Secretary, was secretary of the meeting.

The annual reports of the officers were presented. The corresponding secretary, Mr. Friedenberg, stated that, on February 18, 1916, the Society had 371 members—2 honorary, 45 corresponding and 324 active members, 4 of the class last named being for life. During the year the Society lost 3 corresponding and 5 active members by death, 8 resigned and 3 were dropped for non-payment of dues. William Vincent Byars, of St. Louis, Mo., was elected a corresponding member by the executive council, and Rev. Father Fidel Fita y Colomer, of Madrid, Spain, another corresponding member, chosen to honorary membership. *Publications* No. 3, in a second edition, and No. 23, the latter on December 1, 1915, were issued. The following were named as a committee to plan the appropriate celebration of the twenty-fifth anniversary of the founding of the Society, falling on June 7, 1917: Dr. Cyrus Adler, chairman; Hons. Oscar S. Straus, Simon W. Rosendale and N. Taylor Phillips, and Albert M. Friedenberg.

Mr. Leon Hühner, Curator, submitted his report; it is printed immediately following this account in this volume. The following report of the treasurer, Hon. N. Taylor Phillips, for the fiscal year ended October 1, 1915, was referred to Messrs. Lee Kohns and L. Napoleon Levy, of New York, for audit:

REPORT OF TREASURER.

GENERAL FUND.

RECEIPTS.

Balance with Treasurer in National City Bank of New York, October 1, 1914.....	\$ 814.10
Members' dues and back dues.....	1,402.50
Balance due to Treasurer October 1, 1915.....	48.63
	\$2,265.23

EXPENSES.

The Lord Baltimore Press, printing Publication No. 22....	\$ 918.99
Disbursements and clerical services, Lyons Collection Committee	550.22
Disbursements, Corresponding Secretary's office.....	388.05
The Lord Baltimore Press, printing second edition of Publication No. 3	250.00
Disbursements for 23d Annual Meeting.....	76.75
Fire Insurance premiums.....	36.73
Disbursements, Treasurer's office.....	17.25
Disbursements, Jewish Material in Foreign Archives....	13.25
Expressage and postage on Publications, Sept. 3, 1914, to July 1, 1915.....	6.59
Rental Safe Deposit Box.....	5.00
Exchanges National City Bank.....	2.40
	\$2,265.23

PUBLICATION FUND.

RECEIPTS.

Balance with Treasurer, October 1, 1914.....	\$ 36.22
From Permanent Fund in New York Life Insurance & Trust Co., by resolution of Executive Council.....	2,145.83
Sales of Publications.....	57.45
	\$2,239.50

EXPENSES.

The Lord Baltimore Press, printing Index to Publications.	\$2,145.83
Balance in National City Bank of New York, October 1, 1915	93.67
	\$2,239.50

STATEMENT OF THE ASSETS OF THE SOCIETY,
OCTOBER 1, 1915.

GENERAL FUND.

Deposit in National Savings Bank of Albany, N. Y.	
(interest added to July 1, 1915)	\$2,537.29
Less Balance due to Treasurer.....	48.63
	\$2,488.66

PUBLICATION FUND.

Principal deposited in New York Life Insurance & Trust	
Co.	\$1,854.17
Interest on above, to July 1, 1915.....	555.11
Balance in National City Bank of New York.....	93.67
	\$2,502.95

The chair appointed Rabbis Abraham A. Neuman and Max D. Klein and Dr. A. S. W. Rosenbach, of Philadelphia, as a committee on nominations. They reported, and the following officers and additional members of the executive council were thereupon unanimously elected:

President, Dr. Cyrus Adler, Philadelphia, Pa.; vice-presidents, Hon. Simon W. Rosendale, Albany, N. Y.; Prof. Richard J. H. Gottheil, New York city; Rev. Dr. David Philipson, Cincinnati, O.; Hon. Julian W. Mack, Chicago, Ill.; corresponding secretary, Albert M. Friedenberg, New York city; recording secretary, Samuel Oppenheim, New York city; treasurer, Hon. N. Taylor Phillips, New York city; curator, Leon Hühner, New York city. Additional members of the executive council: For a term of three years, Hon. Mayer Sulzberger, Philadelphia, Pa.; Hon. Simon Wolf, Washington, D. C.; Rabbi Henry Cohen, Galveston, Tex., and L. Napoleon Levy, New York city. For a term of two years, Prof. J. H. Hollander, Baltimore, Md.; Max J. Kohler, New York city; Lee M. Friedman, Boston, Mass., and Dr. A. S. W. Rosenbach, Philadelphia, Pa. For a term of one year, Dr. Herbert Friedenwald, Denver, Col.; Charles J. Cohen, Philadelphia, Pa.; Prof. Alexander Marx, New York city, and Prof. Max L. Margolis, Philadelphia, Pa.

Dr. Adler presented a letter from Hon. Simon Wolf whose ill health prevented his attendance of the meeting. He also presented a letter from Miss Laura Mordecai, of Philadelphia, conveying a copy of the Crimean War report of Major A. Mordecai, her father, which she presented to the Society. On motion the thanks of the Society were accorded her for her gift. Besides, Dr. Adler announced that Dr. Yahuda, a corresponding member, had been chosen as professor of rabbinical literature at the University of Madrid, Spain.

The committee to prepare a set of by-laws, consisting of Hon. N. Taylor Phillips, chairman; Simon Lyon and Albert M. Friedenberg, presented its report. The proposed amendment to the Constitution of the Society was adopted. The proposed by-laws were read and discussed section by section, and also adopted. The Constitution as amended will be found at the end of this volume; there also are printed the by-laws as the same were adopted by the Society at this annual meeting.¹

The following necrologies of deceased members of the Society were presented at the afternoon session of February 20, and the morning session of February 21, 1916:

Mendes Cohen, by Dr. Cyrus Adler; N. Darnell Davis, by Albert M. Friedenberg; Solomon Fox, by Rev. Dr. David Philipson; Adolf Guttmacher, by Rev. Dr. William Rosenau; David Hutzler, by Louis H. Levin; Joseph Jacobs, by Hon. Mayer Sulzberger; August B. Loeb, by William B. Hackenburger; Isaac L. Rice, by Hon. Samson Lachman; Solomon Schechter, by Prof. Alexander Marx.

The following papers were read:

Miss Elfrida Cowen, of New York: (1) "A Proselyte Apostate: a Romance of a Century Ago"; (2) "Moses Elias Levy (Yulee) of Florida."

Samuel Oppenheim, of New York: (1) "The Will and Inventory of the Estate of Henry Benjamin Franks, 1758"; (2) "The Question of the Kosher Meat Supply in New York City in 1813"; (3) "Calendar of Twenty-one Unprinted

¹ See p. 221 *et seq.*

Letters Relating to Aaron Lopez"; (4) "David Franks' Interest in Lands in Virginia"; (5) "Jews Who Died of Yellow Fever in the Epidemic in New York in 1798"; (6) "A Letter of Jonas Phillips, July 28, 1776, Mentioning the American Revolution and the Declaration of Independence."

Rabbi Julius J. Price, of Toronto: (1) "The Jews of Northern Ontario"; (2) "An Early Jewish Merchant of Halifax"; (3) "Samuel Gradische, an Eighteenth Century French Sutler"; (4) "Adolphus Mordecai Hart, of Quebec"; (5) "Newspaper Comments on the Samuel Hart Case"; (6) "The Levy Family of Canada"; the last-mentioned only by title.

Report of the committee on the Gratz Papers, by Prof. Alexander Marx and Albert M. Friedenberg, presented by the latter.

Lee M. Friedman, of Boston: (1) "A Note on Jewish Worship in New York, 1812"; (2) "Additional Material on Francisco de Faria."

Leon Hühner, of New York: (1) "Jews in the Correspondence of Sir William Johnson"; (2) "Gleanings of Jewish Interest in American Colonial and Revolutionary History."

Miss Mabel Lyon, of New York: "Some Pedagogical Aspects of American Jewish History."

Rev. Dr. David de Sola Pool, of New York: (1) "The Mohelim in Curaçao and Surinam, 1732"; (2) "A Real Estate Record of the Sholam Colony"; (3) "A Revised List of the Hazanim in New York City in the Eighteenth Century"; (4) "A Slave Proclamation of De Witt Clinton"; (5) "An Early Zionist Project."

Frank I. Schechter, of New York: "An Unfamiliar Aspect of Victorian Anglo-Jewry."

Albert M. Friedenberg, of New York: (1) "Economic Factors in American Jewish History"; (2) "Memorial Note on Samuel Westheimer."

Prof. Alexander Marx, of New York: "The Autobiography of an Unknown of the Seventeenth Century: a Picture of the Condition of the Jews of Bohemia."

Rev. Dr. Abraham A. Neuman, of Philadelphia: "Education Among the Jews in Spain."

Hon. Simon Wolf, of Washington, D. C., and Max J. Kohler, of New York: "American Contributions Toward the Removal of Jewish Disabilities in the Balkan States."

Dr. I. Abrahams, of Cambridge, Eng.: "Johnson of Columbia and the Hebrew Language."

William Vincent Byars, of St. Louis: "Jacob Myers, a Type of American Enterprise."

Frank Cundall, F. S. A., of Kingston, Jamaica: "Extracts from a Jamaica Magazine of 1797 Relating to the Jews."

Prof. Gotthard Deutsch, of Cincinnati: (1) "Abraham Alexandre Lindo, a Pioneer American Jewish Publicist"; (2) "America in Haskalah Literature."

Dr. A. Levinson, of Chicago: "Tobias Katz: a Medical Cyclopaedist of the Seventeenth Century."

Rev. Dr. Martin A. Meyer, of San Francisco: "Jewish Participation in the Panama-Pacific International Exposition."

REPORT OF LEON HÜHNER, CURATOR.

During the past year the Society received by gift and purchase 78 books and 126 pamphlets, as well as 27 periodicals, so that our collections consisted on February 1, 1916, of 1820 books and 1126 pamphlets. This does not include the valuable collection of prints and curios of historic value. Aside from this I have made it a practice to collect newspaper clippings of Jewish interest, as well as programmes of prominent events, which have been added to the collections from time to time.

The purchases during the year have been mainly recent publications of Jewish interest, such as Fraser's "The Conquering Jew," Lillian D. Wald's "The House on Henry Street," and similar works.

The most notable gift during the past year has been that of Ex-Judge Mayer Sulzberger, who presented to the Society the Gratz papers, consisting of valuable original MS. material relating to the Gratz family, and a memorandum concerning this which he prepared.

The Society is also indebted to the following persons for gifts made by them during the past year:

Dr. Cyrus Adler, miscellaneous material relating to Jews in the Spanish-American War.

Dr. M. Brann, a reprint of his paper on the Silesian rural Jewish community.

Mr. Charles J. Cohen, Nos. 12-22 of our *Publications*; 12 volumes of the publications of the Jewish Publication Society of America, and 9 issues of the *American Jewish Year Book*.

Mr. Frank Cundall, hand-book of Jamaica for 1915. In this connection I desire to call attention to the uniform courtesy of Mr. Cundall, of Jamaica, in presenting to the Society all matters of Jewish interest which happen to come to his attention.

Mr. Albert M. Friedenberg, Dr. S. Schechter's "Seminary Addresses"; Karpeles' "Jews of the Nineteenth Century," and 24 miscellaneous items.

Mr. W. O. Hart of New Orleans, 6 items relating to New Orleans and the centenary celebration of the battle fought there.

Mr. Leon Hühner, 36 items of Jewish interest.

Mr. Max J. Kohler, photograph of the late Alonzo Rothschild.

Prof. Henry M. Léon, "Some Eminent Jewish Philologists of By-gone Ages."

Mr. Samuel Oppenheim, 22 early letters mainly by and to Aaron Lopez, and also a photograph of a letter of Jonas Philips written to Gumpel Samson in July, 1776, with three accompanying pages of MS. and a translation of the letter referred to.

Rev. Dr. David Philipson, his book on Max Lilienthal.

Dr. A. S. W. Rosenbach, interesting original papers relating to the Ohio Company, 1776.

Alliance Israélite Universelle, of Paris, through the courtesy of our member, Mr. B. H. Hartogensis, the history of the *Alliance* by Narcisse Leven.

In addition to the foregoing, miscellaneous gifts were received from Mr. Philip Cowen, Rabbi Henry Cohen, Mr. Edward Hagaman Hall, Mr. Albert Lucas, the Westheimer family, and Mr. Lucien Wolf, of London.

In closing I may be permitted again to voice my appeal that the Society begin to secure funds for a permanent building for what is now a valuable and unique collection of material relating to the Jews, and particularly to those in this country. The twenty-fifth anniversary of the Society occurs next year, and the most fitting way of celebrating that event, perhaps, would be to start a fund for that purpose.

Dated February, 1916.

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DAVID L. YULEE, FLORIDA'S FIRST SENATOR.

By LEON HÜHNER, A. M., LL. B.

It is a curious fact that so little has been written concerning the career of several Southern statesmen who were potent figures in our national history during the period immediately preceding the Civil War. Men whose names in their day were familiar throughout the land are to-day well nigh forgotten, and even so brilliant a personality as that of Judah P. Benjamin had no fitting biography until Prof. Pierce Butler's comparatively recent work appeared.

Though by no means so prominent as Benjamin, David L. Yulee was nevertheless a noteworthy figure in his day. It is, therefore, remarkable that, beyond a dozen lines or so, nothing has ever been written concerning his career with the exception of an article by his son, C. Wickliffe Yulee, which, however, is mainly of a reminiscient and personal character.¹ In preparing this paper, therefore, it was necessary to go through original documents on file in various government departments, the public reports of Senate and House Committees, and the writings of distinguished contemporaries.

Not only had Senator Yulee the distinction of having been a prominent factor in national affairs for over twenty years, but to him belonged in large measure the honor of having obtained the admission of Florida into the Union, and of being her first Senator. Besides this, he is of additional interest because he was the first Jew ever elected to the United States Senate.

The father of the subject of our sketch never bore the name of Yulee. The family name was Levy, and as David Levy the future Senator first distinguished himself in the affairs of Florida.²

¹ C. Wickliffe Yulee, "Senator Yulee," in *Publications of the Florida Historical Society*, Jacksonville, 1909, vol. ii, nos. 1 and 2.

² George B. Utley in *Magazine of History*, vol. viii, p. 79.

His father, Moses Elias Levy, was a native of Morocco, born at Mogador about 1782.³ He emigrated to the Island of St. Thomas about 1800, at the age of eighteen, and there engaged in the lumber business, accumulating a considerable fortune. In 1816 he removed to Havana, Cuba, where he was a government contractor in supplying troops.⁴ Two years later he paid his first visit to the United States.⁵

C. Wickliffe Yulee, in the sketch above referred to, claims a rather fanciful ancestry for his family. To quote from his article,—the Senator's grandfather was a Portuguese, who

became a high official in the Emperor of Morocco's court, and as such had been given the rank of prince. Upon the death of the Emperor, whose side he had espoused against the intriguing heir, he was obliged to fly at a moment's notice to England, taking with him his wife, an English Jewess, and their infant son.

This child was Moses Levy, and was educated in an English university, but became a tradesman, and his mother

who had exaggerated ideas as to the importance of the princely title, insisted upon his dropping the name of Yulee temporarily, and adopting that of Levy,

her own maiden name. This name he retained to the day of

³ See House Document No. 10, 27th Congress, 1st Session, p. 17, and Report by Mr. Halsted; House Document No. 510, 56th Congress, 2d Session; Chester H. Rowell, "A Historical and Legal Digest of All Contested Election Cases in the House of Representatives of the United States," Washington, 1901; Barton Report, 27th Congress, p. 114.

⁴ "Contested Election Case of David Levy," House Report No. 450, 27th Congress, 2d Session, vol. ii.

⁵ *Ibid.*, Barton Report. At the date of the birth of his son, Moses Levy was a subject of the King of Denmark. Nathan Levy, who was United States Consul at St. Thomas in 1832, may have been a relative. See Committee Report No. 705, 24th Congress, 1st Session, vol. iii; Committee Report No. 87, 25th Congress, 2d Session, I; Report No. 238, 25th Congress, 3d Session, I; House Report No. 72, 26th Congress, 1st Session, IV.

his death,—although he approved of the resumption of the family name by the Senator.⁶

In connection with the above statement it must be borne in mind that Senator Yulee married out of his faith and that his children were brought up as Christians. In fact the article referred to shows a desire to escape the recognition of a Jewish ancestry as much as possible, and, aside from the fanciful statement as to how the name Levy came into the family, it even claims that the princely grandfather was not a Jew at all, but a Mohammedan by the name of Yulee.⁷

The fact remains, however, that the Senator's father was never known by any other name than Moses E. Levy, and was always devoted to the ancient faith.⁸ When he visited the United States about 1818, he became enthusiastic over our free institutions, and contemplated settling here, but his affairs at the time did not permit him to remove. Even before Spain had ceded Florida to the United States, he had decided to settle in the Eastern portion of that Territory, and in August, 1820, through his agents Hernandez and Cheavitean purchased about 45,000 acres of land for which it appears he paid about \$40,000.⁹ His plan was to bring

⁶ Yulee, *supra*, no. 1, pp. 26, 28.

⁷ *Ibid.*, p. 28.

⁸ *The Occident* for September, 1856, speaks of the Senator from Florida as "the son of a professing Jew, the late Moses Elias Levy."

⁹ See "Contested Election Case of David Levy," House Report No. 450, 27th Congress, 2d Session, vol. ii, pp. 5, 56. Part of the purchase price was only payable after the cession of Florida to the United States. See House Document No. 10, 27th Congress, 1st Session, Exhibit 12; *Levy v. Aredondo*, in Transcript of Records of Supreme Court of United States, January Term, 1838, Part 2, pp. 912, 933, 936 and *ibid.*, January Term, 1839, Part 2, p. 614; 56th Congress, House Document No. 510; Rowell, *supra*; Barton Report; Executive Documents, vol. xi, 18th Congress, 1st Session, p. 74; *Levy v. United States*, in which the report recommends the confirmation of his claim to 36,000 acres in Alachua County; also, *ibid.*, p. 84, confirming 14,500 acres.

families from Europe to settle on his plantation, and in 1820 he instructed his agent in London that the colonists designed for his settlement might be sent on.¹⁰

On June 8, 1821, he appeared in Philadelphia before the United States Circuit Court, and there declared his intention of becoming a citizen of the United States.¹¹ About this time he also visited New York, and became acquainted with prominent Jews there; among others, Daniel L. M. Peixotto.¹²

Leaving Philadelphia he went to St. Augustine by way of Charleston and arrived there about the time of the change of sovereignty.¹³ He purchased negroes and commenced sugar planting at a place called Volutia about eight miles above Lake George on the St. John's River, and also at a place opposite this, which he named Hope Hill.¹⁴ As early as 1822, he figured extensively in large land transactions in that portion of the Territory.¹⁵

Andrew Jackson became Governor of the Territory, and in March, 1823, issued an ordinance which enabled those persons

¹⁰ "Contested Election Case of David Levy," *supra*, p. 5, Barton Report; House Document No. 10, *supra*, Exhibit 17; Rowell, *supra*, Barton Report. Several of the settlers thus obtained came from France, as was the case with the Chateaufneuf family, and some of his colonists came directly from New York and New Jersey. See Executive Documents, vol. xi, *supra*, pp. 70, 343-344. A road was built and other improvements were made. *Ibid.*, pp. 323, 325, 333-337, 343-344, 349, 350, 355. And see *infra*, p. 132 *et seq.*

¹¹ See authorities given in note 9.

¹² House Report No. 450, *supra*, p. 59. He was the son of the minister of the Spanish and Portuguese synagogue at New York.

¹³ "Contested Election Case of David Levy," *supra*; House Document No. 510, *supra*; Rowell, *supra*.

¹⁴ *Ibid.*; House Report No. 450, *supra*, Exhibit 26, p. 74.

¹⁵ *Ibid.*; House Report No. 450, *supra*, Exhibit 12, p. 49; Executive Documents, vol. xi, *supra*, pp. 130, 223, 256, 258, 311-316. It is interesting to note that among those figuring in his real estate transactions were Abraham M. Cohen and Antonio Mier, probably Meyer. The former was a resident of Philadelphia.

who were inhabitants of Florida at the time of the change of flags to become American citizens at once by complying with certain formalities. Under this ordinance Levy renounced his allegiance to the King of Denmark, to whom St. Thomas belonged, and took the oath of allegiance to the United States, receiving a certificate of citizenship at St. Augustine.¹⁶ It was this method of obtaining his citizenship which subsequently proved to be a source of infinite trouble both to himself and his son.

When Moses Levy visited the United States, he brought with him his son David.¹⁷ Like Alexander Hamilton, therefore, the future Senator was born in the West Indies, the date of his birth being June 2, 1810.¹⁸ As the father desired to give his children the best possible education, he did not take them with him to Florida, but took the boy to Norfolk, Virginia, where he placed him with his intimate friend Moses Myers,¹⁹ then a leading citizen of Norfolk, who had held distinguished office, and who at one time had represented the French Republic in the United States.²⁰ David Levy attended school and continued to reside at Norfolk from 1819 to 1827, with the exception of occasional trips to the West Indies.²¹

¹⁶ *Ibid.*; House Report No. 450, *supra*; House of Representatives, 38th Congress, 2d Session, Miscellaneous Document No. 57; Bartlett, "Cases of Contested Elections in Congress, 1834-65," Washington, 1865.

¹⁷ *Ibid.*; House Report No. 450, *supra*, p. 56.

¹⁸ *Ibid.*; House Document No. 510, *supra*; Rowell, *supra*. The place of his birth was St. Thomas.

¹⁹ See House Report No. 450, *supra*, p. 133, Affidavit of Dr. Francis Mallory; House Document No. 510, *supra*; Rowell, *supra*; House Document No. 10, *supra*, Exhibit 11.

²⁰ See "The Jews of Virginia," by the present writer, in *Publications of the American Jewish Historical Society*, No. 20.

²¹ See Miscellaneous Document No. 57, *supra*, p. 41 *et seq.*; House Document No. 510, *supra*; Rowell, *supra*; House Report No. 450, *supra*; House Document No. 10, *supra*, Exhibit C.

In the meantime, his father had become one of the foremost citizens of St. Augustine. He had purchased extensive lands in the interior and was considered one of the most influential men in the Territory. From the affidavit of Judge Elias B. Gould,²² printed in one of the Government publications, it appears that as early as 1822 Moses E. Levy took an active part in the politics of Florida, particularly on the subject of education, and from time to time contributed to the daily press on various subjects using as a pen name, the words "Youlee," "Eubates" and similar forms.²³ He even succeeded in 1824 in bringing about certain reforms in the administration of the law.²⁴

When, in 1825, Letamendi, the Spanish consul in Florida, celebrated the adoption of the Spanish Constitution by a great function, we learn that the street decorations and other portions of the arrangements were gotten up under Levy's direction, and that the account of the event in *The Florida Herald* was, in part, written by him.²⁵ We have Isaac Leeser's statement for the fact that he was a professing Jew,²⁶ and it further appears that he was repeatedly engaged in religious controversial literature, which called forth a book by Captain Thrush, published in England, entitled "Letters to the Jews, particularly addressed to Mr. Levy of Florida."²⁷ In 1827 and 1828 he appears to have been in England, and to have engaged

²² Gould's father was the founder of the *East Florida Herald*. See *ibid.*

²³ *Ibid.*; House Report No. 450, *supra*, vol. ii, p. 66; Bartlett's "Contested Election Cases," *supra*; Rowell, *supra*.

²⁴ *Ibid.*

²⁵ House Report No. 450, *supra*, p. 67.

²⁶ See *The Occident*, 1856.

²⁷ See Th. Thrush, late Captain R. N., "Letters to the Jews with a copy of a Speech said to have been delivered by Mr. Levy of Florida," York, 1829. This book is mentioned in Jacobs and Wolf's *Bibliotheca Anglo-Judaica*, No. 431, p. 74. I am indebted to Mr. Albert M. Friedenberg for calling my attention to it.

in a similar controversy with one Forster. This correspondence, which was subsequently published, indicates that Moses Levy had made quite a reputation both as a speaker and a writer. But even aside from these religious controversies, he seems to have created a stir by a plan he devised for the abolition of negro slavery.²⁸

About 1822, the family of Moses E. Levy consisted of four children, all of whom resided in London,²⁹ with the exception of David who was being educated at Norfolk, Virginia, as already stated. Later on, however, the other children were brought to America, and the eldest son, Elias, placed at Harvard College.³⁰ For some unknown reason, however, Moses Levy cut short the education of both his sons in 1827. The reasons given by his grandson is that his action was prompted by "a condition of religious socialism."³¹ Young David, instead of going to St. Augustine, went to a plantation of his father's in the interior of Florida, which he and his brother

²⁸ See "Letters concerning the Present Condition of the Jews. Being a Correspondence between Mr. Forster and Mr. Levy," 1829. In the preface appears the following statement: "Mr. Levy has by his conduct and discourses at meetings of Jews and Christians over which he presided and by his writings of the subjects of discussion at these meetings as also by his plan for the abolition of negro slavery, made his name so well known as to render any further introduction of him to public notice unnecessary." In this work Levy's letters are signed M. E. Levy and, in the last of them, he mentions that he is on the eve of his departure for America. I am indebted to Mr. Friedenberg for calling my attention to this book.

²⁹ See House Report No. 450, *supra*, pp. 56 and 58; Bartlett, *supra*; Rewell, *supra*.

³⁰ *Ibid.*; House Report No. 450, *supra*, p. 67; Yulee, *supra*, No. 1, p. 28. Elias is probably identical with Elias Yulee who subsequently became Receiver of Olympia, Washington Territory. See Senate Report 381, 35th Congress, 2d Session, vol. 1, February 18, 1859; *ibid.*, No. 123, 36th Congress, 1st Session, vol. 1.

³¹ Yulee, *supra*, No. 1, p. 28.

managed for some years, so that, even as late as 1831, we find him residing in Alachua County, in the interior of East Florida.³² He frequently visited St. Augustine, however, and made friends with many of the old Spanish families, though by this time he seems to have become quite estranged from his father.³³ He finally removed to St. Augustine, studied law with Judge Robert R. Reid, and was admitted to the Bar in 1832.³⁴ Entering the political arena, he soon became an important factor and obtained the position of Clerk to the Territorial Legislature.³⁵ In 1834 he attracted attention by a public Fourth of July oration.³⁶ During the Seminole troubles he was active in protecting the interests of the white settlers, and was present at important negotiations with the Indians. To him we are indebted for the report of the conference of 1834 between General W. Thompson, the United States Agent, and the Seminole chiefs, among whom was the famous Osceola, together with the addresses delivered on that occasion.³⁷ A contemporary work by an army officer, describes Levy at this time as

not only one of the most enlightened, but also one of the most patriotic inhabitants of Florida.³⁸

Thenceforth his political advancement was rapid. In 1836 he was elected to the Legislative Council from St. John's County, and served during the session of 1837; in the latter year he was elected to the Legislature, continuing during the

³² House Report No. 450, *supra*; Miscellaneous Document No. 57, *supra*, p. 41.

³³ Yulee, *supra*, No. 1, p. 28.

³⁴ See House Report No. 450, *supra*; Bartlett, *supra*; Rowell, *supra*.

³⁵ *Ibid.*

³⁶ See affidavit of Elias B. Gould in House Report No. 450, *supra*, p. 68.

³⁷ "Notices of Florida and the Campaigns," by M. M. Cohen, an Officer of the Left Wing, Charleston, 1836, pp. 57, 62.

³⁸ *Ibid.*, p. 62.

session of 1838.³⁹ In that year he was elected one of the delegates of St. John's County to the Convention which framed the Constitution of Florida, his name being appended to the first Constitution adopted.⁴⁰ He was chosen Delegate in Congress for Florida for the next two years, and from the start appears to have been the soul of the movement to obtain the admission of Florida into the Union.

Like all public men, however, he had many enemies, and it was while a member of the Constitutional Convention in 1838 that one of the defeated candidates raised the question that neither he nor his father was legally a citizen of the United States.⁴¹ The question was decided in his favor, but in 1841, an order to show cause why his name should not be stricken from the roll of attorneys for the same reason was obtained by some of his opponents. The Court of Appeals sustained Levy's citizenship.⁴² As the question was still unsettled, however, when he was about to take a trip to Cuba in 1840, he applied for a passport, stating all the facts to the Department of State. The passport was granted;⁴³ but the question of the regularity of his father's naturalization, through which he claimed citizenship, continued to harass him for many years to come.

³⁹ See House Document No. 10, *supra*, Exhibit C; House Report No. 450, *supra*.

⁴⁰ See "The Acts and Resolves of the First General Assembly of the State of Florida. Published under the Direction of the Attorney General of the State," Tallahassee, 1845. The Constitution was adopted December 3, 1838, and signed January 11, 1839. See House Document No. 10, *supra*.

⁴¹ Miscellaneous Document No. 57, *supra*, p. 41 *et seq.*; House Report No. 450, *supra*; House Document No. 10, *supra*; House Document No. 510, *supra*; Rowell, *supra*.

⁴² *Ibid.*, Barton Report.

⁴³ *Ibid.* "The letter of the Delegate to the Secretary of State dated July 25, 1840, will show that in making application for a passport, he referred the attention of the Department distinctly to the proceedings on file there."

In 1840, one David R. Dunham brought the question before the Grand Jury on the ground that his vote should not have been received by the Inspectors of Election. Here, too, Levy was successful,⁴⁴ but in 1841, while sitting in the 27th Congress as Delegate from the Territory of Florida, the question again came up in its most serious form. Mr. Dunham on that occasion presented a remonstrance to the House of Representatives against Levy's right to a seat. A committee was appointed, and this body decided against him, declaring his seat vacant.⁴⁵ The young Delegate, however, obtained permission to present further testimony, with the result that the committee, by Mr. Barton, of Virginia, presented a majority report in his favor, while Mr. Halsted, of New Jersey, submitted a minority report against him. The House took no action on this report, and so Levy retained his seat.⁴⁶

The question involved in this contest may here be mentioned. It seems that the ordinance issued by General Jackson, under which Levy's father had been naturalized, had been declared void; and a subsequent law had been passed which granted citizenship to all who had been *inhabitants* of Florida at the time of the change of sovereignty, on complying with certain formalities. It was contended, however, that Levy's father was not an inhabitant on July 17, 1821, when American sovereignty commenced, but that he had come to Florida a few days later and could not, therefore, claim the benefit of this legislation.⁴⁷ The evidence as to this point was hopelessly con-

⁴⁴ *Ibid.* The question was also tested and decided in his favor by the unanimous decision of the Territorial Court of Florida, February 13, 1841.

⁴⁵ *Ibid.*, Halsted Report.

⁴⁶ *Ibid.* Barton's Report is dated March 15, 1842. See Rowell, *supra*, pp. 41-47, 114; also House Document No. 10, *supra*; the entire contest and testimony are given in full in the authorities mentioned, particularly in House Report No. 450, *supra*.

⁴⁷ *Ibid.* It is interesting to note that the evidence in this election contest also disclosed the names of several Florida settlers, naturalized there in 1821 and who were probably Jews. They were

flicting. The only theory, on which the majority report proceeds, was that the Delegate was a child at the time, that his father had purchased land before the formal transfer, and declared his intention at Philadelphia of becoming a citizen, coupled with the fact that there was doubt as to whether or not the father was in Florida at the date mentioned, whereas there was no doubt that he had continually resided there for many years. It was only fair, therefore, that the leaning of the committee should be in favor of his citizenship, on the ground that the spirit of the naturalization policy of this country had been fully satisfied.⁴⁸

It is interesting to note that in this contest David Levy enlisted every possible influence. He procured affidavits from Daniel Levi Maduro Peixotto of New York and several from his father.⁴⁹ From the language of the latter's affidavit however, as well as from some of his father's letters about this time, it appears that Moses Levy had become completely estranged from his son. Even after the contest had been decided in Levy's favor, General P. S. Smith endeavored to

George Levy, aged 26, a planter from London, Lewis Solomon, aged 30, a watchmaker from London, Levy M. Rodenburg, aged 29, a grocer from Amsterdam and Isaac Hendricks, a planter from South Carolina. See Report No. 450, *supra*, p. 123.

⁴⁸ See authorities cited in note 41. Judge James M. Gould, one of the oldest inhabitants of St. Augustine, testified: "I have always been on intimate terms with the old inhabitants of St. Augustine, especially the Spanish portion and the most prominent, and among them have never heard the citizenship of David Levy doubted. They are truly American people who adopted the American laws and have watched with a jealous eye any infringement of them, and who do more towards sustaining them than many native-born Americans. They have generally supported David Levy at the elections and considered him as much a citizen as themselves." Joseph Manucy and other old inhabitants gave similar testimony.

⁴⁹ *Ibid.*; House Report No. 450, *supra*, pp. 24, 59.

reöpen the matter for the purpose of presenting further evidence against Levy.⁵⁰ On this point Smith wrote to Levy's father, and the latter's reply shows that the relations between father and son were far from cordial. Moses Levy wrote:

The irritating subject of David Levy is become troublesome to me beyond measure. . . . The subject begins to make me unhappy indeed.⁵¹

He concluded by saying that the whole thing was of no interest to him, and later in a deposition which he gave to General Smith, he spoke of his early purchase of land "in this, to me, unhappy country."⁵²

In the House of Representatives David Levy attracted attention almost from the start, and, owing to the fact that his views on many subjects were exactly opposed to those of John Quincy Adams, he seems at once to have incurred the dislike of this distinguished statesman. The earliest mention of the new Delegate appears in Adams' *Diary* under date of June 21, 1841, in the following words:

Pickens introduced David Levy as Delegate from the Territory of Florida. Morgan objected to his being sworn and presented papers contesting his election, and denying that he is a citizen of the United States. The Speaker called for credential and upon inspection of it swore him in. The papers presented by Morgan were referred to the Committee of Election. Levy is said to be a Jew, and what will be, if true, a far more formidable disqualification, that he has a dash of African blood in him, which, *sub rosa*, is the case with more than one member of the house.⁵³

⁵⁰ *Ibid.*; 27th Congress, 3d Session, Document No. 15, December 14, 1842.

⁵¹ *Ibid.* The letter is dated St. Augustine, November 13, 1842.

⁵² *Ibid.* Moses E. Levy's deposition is verified October 31, 1842, and in both letter and deposition he never speaks of the Delegate as his son but always alludes to him as David Levy.

⁵³ "Memoirs of John Quincy Adams comprising his *Diary* from 1795 to 1848," edited by Charles Francis Adams, Philadelphia, 1877, vol. x, p. 483.

This last remark was probably due to the fact that Levy may then already have made the claim that his grandfather was a prince and a Mohammedan. In September, 1841, Levy tried to enlist Adams' favor in his contested election case, but Adams seems to have considered the matter desperate.⁵⁴

For some years prior, the Seminole Indians had been harassing settlers in Florida, and the government had made war upon them. Just at this time, however, there were bills in the House for the withdrawal of troops from Florida, on the ground that security had been restored. Levy foresaw that this would leave settlers at the mercy of the Indians and vehemently opposed the bills mentioned. He made several speeches in the House and called for official documents in the War Department relating to the situation. The earliest of these speeches was made during his election contest and within a month after being sworn in. John Quincy Adams mentions them repeatedly in his *Diary*, thus August 3, 1841,

I found Levy, the Delegate from Florida attempting to get up for consideration his resolution of inquiry upon the Secretary of War.⁵⁵

May 16, 1842,

I found Levy, the Jew Delegate from Florida, making a red hot speech against the President's message declaring his intention to put an end to the Florida war.⁵⁶

May 25,

In the House David Levy, the alien Jew Delegate from Florida, moved a call for correspondence of the commanding officer of the Army in Florida, . . . and a resolution that there should be no cessation of hostilities till the Seminoles should have been

⁵⁴ *Ibid.*, vol. xi, pp. 6, 7.

⁵⁵ *Ibid.*, vol. x, p. 520.

⁵⁶ *Ibid.*, vol. xi, p. 155. Even before this Levy had presented a resolution calling on the Secretary of War for information concerning Indian troubles in Florida. See H. R. 1, 27th Congress, 1st Session, July 29, 1841.

effectively subdued. He told of a whole family butchered since the 1st of this month.⁵⁷

On June 4, 1842,

Long speech of Pope for a reduction of the army. David Levy, delegate from Florida loquacious against it.⁵⁸

As time went on Adams' dislike became more and more pronounced, until in February, 1843, we find him writing:

Weller moved a reconsideration to let Levy make another hour speech, which he did. I was provoked to the boiling point, but made no reply.⁵⁹

In February, 1844, Levy distinguished himself in a very able speech concerning the termination of the tenth article of the Ashburton Treaty, which involved the subject of slavery and the extradition of slaves. Adams in his *Diary* stated:

David Levy, the Jew Delegate from Florida with much apparent agitation and awful length of face, moved a suspension of the rules to enable him to offer a resolution requiring the President to give notice to the British Government that the United States wish to terminate the tenth article of the Ashburton Treaty.

Adams expressed his fear that this would bring up the subject of slavery and added that he was full of anxiety on that account.⁶⁰ Despite these sneering references, we have Edward

⁵⁷ *Ibid.*, vol. xi, p. 162. It was quite natural that Levy should feel very strongly on this subject, for in 1835 his father's sugar houses and one of his plantations had been destroyed by hostile Indians. Some property which had been saved and removed to Micanopy was ordered burnt by the commanding officer of the United States troops when he abandoned the place, so as to prevent it from falling into the hands of the enemy. Moses E. Levy had presented a claim to Congress for property thus destroyed but his claim had been disallowed on the ground that the property had been lost by the fortunes of war. See Committee Report No. 236, 25th Congress, 3d Session, I, January 26, 1839.

⁵⁸ "Memoirs of John Quincy Adams," *supra*, vol. xi, pp. 168, 170.

⁵⁹ *Ibid.*, p. 316.

⁶⁰ *Ibid.*, p. 500. Adams frequently referred to Levy simply as "the Jew Delegate from Florida." See *ibid.*, vol. xii, p. 164.

Everett's tribute to Levy's address when writing in January, 1845:

Levy's argument is so clear and satisfactory that I have not attempted to improve upon it.⁶¹

Shortly afterward, Everett, writing on the Ashburton Treaty to the Earl of Aberdeen, said:

The undersigned instead of any argument of his own to that effect, invites Lord Aberdeen's attention to the extract herewith transmitted from a speech of Mr. Levy, Delegate from Florida to the Congress of the United States in which the sufficiency of an indictment is very ably maintained.⁶²

His most important work, however, on which his whole heart and soul centered, was that of obtaining the admission of Florida into the Union. In this cause he worked incessantly for several years until his efforts were finally crowned with success. He aroused public sentiment in the Territory in order to get the necessary support, arranged meetings and sent circulars even to the most distant parts.⁶³

Some years ago the present writer purchased a collection of autograph letters written by Yulee about this period and subsequently. Some of these relate to his criticism of the administration, some to the admission of Florida, and others to general political affairs. One of the earliest, written in 1842, resented the appointments made by President Tyler without consulting the representatives of the section affected. He wrote:

The fact is that Mr. Tyler is a weak man, with good impulses but no clearness of principle and no enlargement of purpose. I have

⁶¹ Edward Everett to Secretary of State, January 31, 1845, quoted in letter from Levy to Westcott, March 21, 1845, original in writer's possession.

⁶² January 30, 1845, quoted in *ibid.*

⁶³ See "Circular Letter of D. Levy to the People of Florida relative to the admission of Florida into the Union," Washington, 1844, 24 pp.; Executive Document No. 71, 25th Congress, 3d Session, IV, January 11, 1839; original letters in writer's possession.

become satisfied that as a Democrat I cannot confess any political sympathy with him. If I could, I could do something in the way of office, but it is a game I cannot play. . . . The design is, I suppose, to make a Tyler and Webster presidential party, but it is a small beer concern that will become flat by exposure. Sometimes he consults me, but I wash myself of responsibility for his appointments, and shall shortly come out with a letter upon the subject.

He also spoke of Polk as a presidential candidate.⁶⁴

This letter, though written three years before Florida was actually admitted into the Union, shows his activity in that regard. He wrote:

As it will be next to impossible to bring Florida in alone, it has been thought best to get our matter under way in this session, and not risk a defeat, but to be in train for immediate action in the next session.

The letters in my possession were addressed to various public men, most of them to James D. Westcott, subsequently his colleague in the Senate. His correspondence included the foremost men of his day, George Bancroft, Polk, Pierce, Benjamin, Buchanan and the rest.⁶⁵ One of the most important of these letters, dated February 22, 1845, only a few days before the actual admission of Florida, was addressed to Westcott, and in part reads as follows:

I took up this measure at the only time when there was a hope of uniting the people—came out wholly in the face of unanimous opposition in my own district, on the favor of which I was so dependent for my prospects in life—took the stump upon the subject—wrote my friends in its support—got the measure reported in the only shape it could have passed—have now got it through the House with a triumphant vote—have been laboring like a slave to overcome the party policy by which we were to be buried

⁶⁴ Original in writer's possession.

⁶⁵ See Polk Papers, Bancroft Collection, New York Public Library, No. 332; Polk Papers, Library of Congress; "Calendar of the Papers of Martin Van Buren," Washington, 1910, p. 385; see *Publications*, *supra*, No. 22, p. 100.

in the Senate, and am now satisfied it has been successfully overcome and that we will be admitted,—and with all this evidence of my sincerity I am to be blamed if by unavoidable circumstances it should fail. . . . This disposition to blame me may be owing to my not continuing to make incessant noise about it. It is not according to my way to do so. I have my own manner of accomplishing things. I came out upon the subject and kept it going, until public sentiment at home was ripe for the movement. That was one step, and I stopped when that was sufficiently done. I then turned to the accomplishment of the measure here and worked in quiet until it was time to make a noise and demonstration here, and then did it, and succeeded. Never judge me to be inactive because I am silent.⁶⁶

As already stated Florida was admitted a few days after this letter was written and Levy at once began a very vigorous campaign, which resulted in his election as the first Senator from the State. One of the letters in my possession mentions the numerous attacks upon him, and he advised his manager to assure the people that he

has procured positive assurances from Mr. Polk that only Florida men will be appointed in Florida as soon as the State is organized.

This campaign was one of the most bitter ever fought. All sorts of charges were made against Levy and continued even after his election. In one of the letters addressed to Westcott in July, 1845, he said :

They write me from St. Augustine that our Democratic friends are all well satisfied with your selection. They write me also that General Hernandez and General Worth in the same room where I happened to be, said that the party had elected two blackguards,—so you see we both have to mend our morals in the Senate. I was in hopes my labors would be confined to improving my mind but it seems I shall have to look to my morals also.

All the letters thus far referred to are signed *David Levy*, or simply *Levy*.⁶⁷

⁶⁶ Original in writer's possession.

⁶⁷ *Ibid.*

On March 10, 1845, the new State named one of her counties in his honor, so that, though he subsequently changed his name, his memory is perpetuated in the old name only, for Levy County and the town of Levyville in Florida have continued without change to the present time.⁶⁸

The year 1845 was a landmark in Yulee's career. He had been for several years a familiar figure in Washington and had access to good society there, becoming acquainted among others with the family of Ex-Governor Wickliffe of Kentucky, formerly a member of Tyler's Cabinet. He married Miss Wickliffe. Up to the time of his election as Senator, he had been known by no other name than that of David Levy. Shortly after being elected to the Senate, however, and just prior to his marriage, it was stated that Miss Wickliffe made it a condition that he change his name.⁶⁹ In compliance with her request he assumed the name of Yulee, so that while he served in the House of Representatives as Levy, in his subsequent career he was known as Yulee. The act of the legislature by which his name was changed may be found in volume 1 of the Laws of Florida. It reads:

Whereas, David Levy memorialized this General Assembly stating that his proper patronymic is *Eulee*, and that his father prior to his birth, dropped the same, and assumed that of Levy, and that he

⁶⁸ See Leslie A. Thompson, "A Manual or Digest of the Statute Laws of the State of Florida," Boston, 1847, p. 18. It seems that this county had been originally established and organized by the Acts of the Governor and Legislative Council of the Territory of Florida, and simply was confirmed when the State government was established. See George B. Utley, "Origin of the County Names of Florida," *supra*; J. M. Hawk, M.D., "The Florida Gazetteer, 1871," p. 56; Charles Ledyard Norton, "A Handbook of Florida," New York, 1892, p. 54. Norton, however, is mistaken as to the date of naming Levy County. See "The Acts and Resolves of the First General Assembly of the State of Florida," Tallahassee, 1845, pp. 37, 38.

⁶⁹ See obituary notice in *The New York Tribune*, October 11, 1886.

is desirous of resuming the said name of *Eulee*. Be it therefore enacted by the Senate and House of Representatives of the State of Florida in General Assembly convened, that the name of David Levy be altered and changed to David Levy Eulee.

He seems, however, to have altered the spelling at once, substituting the letter *Y* for *E*. This law became effective December 29, 1845,⁷⁰ and immediately afterward he married Miss Wickliffe.⁷¹

This change of name appears also from the letters in my possession. The earliest, as already stated, are signed *David Levy* or simply *Levy*, but the signature became *David Levy Yulee*, in 1846, as appears from one written to George Bancroft a few days after the enactment of the law above referred to. Later on the letters are signed simply *D. L. Yulee*. From this period on, the Senator seemed to have no longer associated with the Jewish members of his family. Thereafter no mention was ever made of his father, and though he never formally joined any other church, it is doubtful whether he ever took any interest in Jewish affairs. His children were brought up in the Christian faith.⁷²

The lady whom Yulee married belonged to one of the distinguished families of the day. We have the authority of Mrs. Clay that she was called the "Wickliffe Madonna."⁷³ Shortly after their marriage they made a tour through some of the Northern states, being entertained among others by Governor Winthrop at his home near Boston.⁷⁴

⁷⁰ "Acts and Resolves," *supra*. It has also been stated that the name Yulee was obtained by transposing the letters of the name Levy. As, however, the name Yulee is a well-known Jewish name among Portuguese Jews, the chances are that it may have been the ancestral name.

⁷¹ Yulee, *supra*, No. 1, p. 34.

⁷² *Ibid.*

⁷³ She was so called because she was so devoutly religious. See Mrs. Virginia Clay, "A Belle of the Fifties," New York, 1904, p. 54.

⁷⁴ Yulee, *supra*, No. 1, p. 34.

Yulee took his seat in the Senate December 1, 1845, almost a month before his change of name became effective. He became chairman of the Naval Committee in 1846, and was one of the earliest champions of iron vessels.⁷⁵ It is interesting, too, to find that he was also one of the strongest opponents of the movement for abolishing flogging in the Navy.⁷⁶ Among the bills he introduced and succeeded in passing was the one authorizing the Grinnell Expedition in search of Sir John Franklin.⁷⁷

Later he became chairman of the Committee on Post Offices and Post Roads, and was one of the earliest champions of cheap ocean postage.⁷⁸ Of his ability we have the estimate of Floyd, Buchanan's Secretary of War, that he possessed "an energy and zeal which commanded unusual success."⁷⁹

Though Yulee's father had been an advocate of the abolition of slavery, the Senator, like most Southern statesmen, became affiliated with the pro-slavery element. During a trip on the Ohio he became acquainted with Edwin M. Stanton, whom he tried to convert to his views on that subject, and

⁷⁵ *Ibid.*, p. 35. It is interesting to note that he reported adversely on the claim of Captain John Ericsson for superintending the construction of the steamer *Princeton*. See Poore's *Index*, p. 576.

⁷⁶ Yulee, *supra*, No. 1, p. 35. It is a curious fact that the brutal system of flogging in the Navy was finally abolished through the efforts of another Jew, Commodore Uriah P. Levy.

⁷⁷ *Ibid.*, p. 35. The writer has been unable to verify this statement. Yulee, however, was interested in the Wilkes Exploring Expedition. See "Report on the Wilkes Exploring Expedition," Senate Report No. 29, 30th Congress, 1st Session.

⁷⁸ Yulee in *supra*, p. 36.

⁷⁹ *Ibid.* Additional particulars of his career in the Senate are given in "The Diary of James K. Polk, 1845-9," edited by Milo Milton Quaife, Chicago, 1910, vol. i, pp. 28, 30-32, 149, 184, 211, 262-263; vol. iii, p. 194; "The Works of James Buchanan," Philadelphia, 1911, vol. vii, p. 130; vol. viii, p. 368; vol. xi, pp. 124, 126-132.

there is extant a letter written to Stanton in 1848 along the same lines.⁸⁰

His term expired in 1851. At the following election, however, he was defeated by Stephen R. Mallory in one of the closest contests ever witnessed in this country. There were 59 members of the legislature and a resolution had been adopted requiring a majority vote for choice. On the first ballot Yulee received 29 votes, and there were 29 blanks. The second and third ballots had the same result. Yulee claimed that he was the only qualified person voted for and should have been declared elected. Finally Mallory received 31 as against Yulee's 27. The contest was bitterly fought in the Senate by Yulee's counsel, Reverdy Johnson and Edwin M. Stanton, but the Senate's decision was adverse, though the question was considered so close that in 1853 the Senate voted that Yulee receive from the contingent fund a sum equal to his *per diem* as Senator from the commencement of the session to August, 1852, when the case was finally decided.⁸¹

He now devoted his entire energy to the development of his State; he drew up the "Internal Improvement Act" and planned an extensive system of railroads. The Florida Rail-

⁸⁰ See George C. Gorham, "Life and Public Services of Edwin M. Stanton," New York, 1899, vol. i, p. 73, where the letter is given in full.

⁸¹ *Ibid.* The report is an elaborate document of about 300 pages. See 49th Congress, 1st Session, Senate Miscellaneous Document No. 47: "Compilation of Senate Election Cases, 1789-1885," by George S. Taft, pp. 143-147; 38th Congress, 2d Session, House Miscellaneous Document No. 57: "Cases of Contested Election," by D. W. Bartlett, p. 608, 32d Congress, 1st Session. The debate may be found in the "Appendix" to the *Congressional Globe*, 32d Congress, 1st Session, pp. 1170-1176; E. M. Stanton, "Argument before the Select Committee of the United States Senate," Washington, 1852; Senate Miscellaneous Document No. 2, 32d Congress, Special Session, I; Senate Report No. 349, 32d Congress, 1st Session, vol. ii, and Senate Miscellaneous Document No. 109, 32d Congress, 1st Session, vol. i.

road, incorporated in 1853, was his special favorite. It crossed the State from the Gulf to the Atlantic and, as he figured, would be utilized in connection with the commerce of New York and the Mississippi Valley. A system of fast steamers would carry products from Florida and Georgia to the North and at the same time attract immigrants.⁸²

He was re-elected to the Senate in 1855, and served continuously till 1861, when he resigned to join the Confederate cause.⁸³

It may fairly be said that among the statesmen of the South, none saw more clearly the inevitable conflict between the North and South on the question of slavery than did Yulee. Shortly after the adoption of the Wilmot Proviso, in February, 1848, he offered a resolution in reference to New Mexico and Southern California, protesting against the abolition of slavery in that section on the ground that these territories belonged to *all* the citizens of all the states and that slave property could therefore rightfully be brought into them.⁸⁴ Writing to Calhoun in 1849 he suggested that if an amendment to the Constitution protecting the South against aggression were not adopted, he thought it "the best policy to take steps at once for a separation."⁸⁵ These radical views earned for him the title of the "Florida Fire Eater."⁸⁶ Among his closest friends was Stephen A. Douglas whom he supported in the leadership until the latter repudiated secession.⁸⁷ Yulee was one of the

⁸² Obituary notice in *The New York Herald*, October 11, 1886; Yulee in *supra*, No. 1, p. 37.

⁸³ Nicolay and Hay's "Life of Lincoln," vol. iii, p. 181; *The New York Herald*, October 11, 1886.

⁸⁴ Yulee, *supra*, No. 1, p. 34.

⁸⁵ *Ibid.* See Senate Miscellaneous Document No. 6, Part 2, 30th Congress, 1st Session, vol. i.

⁸⁶ See *The New York Herald*, *supra*.

⁸⁷ Yulee, *supra*, p. 38. He was a jealous defender of all that related to the South. Mrs. Archibald Dixon in "The True History of the Missouri Compromise," Cincinnati, 1899, pp. 232-234, men-

ten Southern statesmen, including Jefferson Davis, who in 1850 signed an agreement to oppose by any and all means the admission of California unless upon certain conditions agreeable to the South.⁸⁸

After Lincoln's election no Southern statesman more fully realized the gravity of the situation than did Yulee. He at once held repeated conferences with Ex-President Tyler and others, and early in January, 1861, while still a United States Senator, joined the foremost senators of the South in a plan to form a confederacy. On January 5, 1861, he wrote a letter which was to be delivered to Joseph Finnigan or Governor Call of Florida,⁸⁹ and this has since become an historic document. He therein advised the taking of all United States strongholds before the Federal Government was able to strengthen its position. The letter reads as follows:

Washington, January 5, 1861.

My dear Sir:

The immediately important thing to be done is the occupation of the forts and arsenals in Florida. The Naval Station and forts at Pensacola are first in consequence. For this a force is necessary. I have conversed with Mr. Toombs on the subject. He will start this work for Georgia and says if the Convention or Governor will ask Governor Brown of Georgia for a force, he will immediately send a sufficient force and take the Navy Yard and forts.

The occupation of the Navy Yard will give us a good supply of ordnance and make the capture of the forts easier. Major Chase built the forts and will know all about them. Lose no time, for

tions how in 1850 Yulee bitterly opposed the printing of a resolution of the Legislature of Vermont against slavery on the ground that its language was insulting to the South.

⁸⁸ This agreement was still extant in 1900 and in possession of John G. Parkhurst. It was originally found by scouts at Winchester, Tenn., in 1863. See *Report of American Historical Association, 1900*, I, p. 603.

⁸⁹ Colonel George W. Call. The letter is given in full in *The New York Herald, supra*, and may also be found in Nicolay and Hay, *supra*, p. 180.

my opinion is, troops will be very soon despatched to reinforce and strengthen the forts in Florida. The arsenal at Chattahoochee should be looked to, and that at once, to prevent the removal of arms deposited there.

I think that by the 4th of March all the Southern States will be out, except perhaps Kentucky and Missouri, and they will soon have to follow.

What is advisable is the earliest possible organization of a Southern Confederacy and of a Southern Army. The North is rapidly consolidating against us upon the plan of force. A strong government, as eight States will make, promptly organized, and a strong army with Jeff. Davis for General in Chief, will bring them to a reasonable sense of the gravity of the crisis.

Have a Southern government as soon as possible, adopting the present Federal Constitution for the time, and a Southern army. I repeat this because it is the important policy.

Virginia and Maryland and Tennessee are rapidly coming up to the work. God speed you.

I shall give the enemy a shot next week before retiring. I say enemy. Yes. I am theirs and they are mine. . . .

Yours in haste,

D. L. YULEE.⁹⁰

On January 7, he wrote another letter to General Finnigan of the Sovereignty Convention, enclosing a copy of resolutions adopted at a conference of the senators from Georgia, Alabama, Louisiana, Arkansas, Texas, Missouri and Florida. In this letter he said:

The idea of the meeting was that the States should go out at once and provide for the early organization of a Confederate Government, not later than the 15th day of February. This time is allowed to enable Louisiana and Texas to participate, and volunteer bills might be passed which would put Mr. Lincoln in immediate position for hostilities, whereas by remaining in our places until the 4th of March, *it is thought we can keep the hands of Mr. Buchanan tied, and disable the Republicans from effecting any legislation which will strengthen the hands of the incoming administration.*

⁹⁰ *Ibid.*

The resolutions which he enclosed read as follows :

Resolved, that in our opinion, each of the Southern States should as soon as may be, secede from the Union.

Resolved, that provision should be made for a Convention to organize a Confederacy of the seceding states, the Convention to meet not later than the 15th day of February, at the City of Montgomery, in the State of Alabama.

Resolved, that in view of the hostile legislation that is threatened against the seceding states, and which may be consummated before the 4th of March, we ask instructions whether the delegates are to remain in Congress for the purpose of defeating such legislation.⁹¹

These letters were found among Yulee's effects when his home in Fernandina was taken by Union troops in 1862.

Florida passed her ordinance of secession on January 10, 1861, and Yulee's was the first speech in the Senate to announce the secession of a Southern state. This was on January 21, 1861. The question before the Senate was the admission of Kansas. Yulee asked permission to address that distinguished body on a personal matter, and when permission was given, he delivered a dignified address announcing his resignation and stating that Florida withdrew because she was not willing to disturb the peace of her associates by an inflamed and protracted struggle within the Union. The people of Florida will ever preserve a grateful memory of past connection with this Government and just pride in the continued development of American society.⁹²

⁹¹ See obituary notices in *The New York Times*, and *The New York Tribune*, October 11, 1886, where the letter and resolutions are given in full. The rapid secession of several of the Southern States compelled the Senators to retire sooner than they had anticipated. See also Nicolay and Hay, "Life of Lincoln," vol. iii, p. 180.

⁹² See *The New York Herald*, *supra*; Nicolay and Hay, *supra*, p. 181; Yulee, *supra*, No. 1, p. 42. On January 22, 1861, a motion was submitted that the *Journal* be so corrected as to record the fact that Messrs. Davis, Mallory, Yulee, Clay and Fitzpatrick had announced that the states from which they were Senators respectively had

Mrs. Clay, an eye witness, in her *Memoirs* thus describes the memorable scene:

As one by one, Senators Yulee, Mallory, Clay and Jefferson Davis rose, the emotion of their brother Senators and of us in the galleries increased; as each Senator, speaking for his state, concluded his solemn renunciation of allegiance to the United States, women grew hysterical and waved their handkerchiefs, . . . men wept and embraced each other mournfully, . . . Scarcely a member of that Senatorial body but was pale with the terrible significance of the hour.⁸³

Yulee's plan seems to have been that the Union be split into three parts, the East, the West and the South, all of which might possibly form a defensive and commercial league, each, however, to work out its own salvation.⁸⁴

Months before Lincoln's election, he had resolved to retire from public life and devote himself to the development of his State. The railroad he had established was completed, and the merchant ships in connection with it were ready, but the latter were soon seized by the Federal Government and used for conveying Union troops.⁸⁵

Yulee now joined his family at Fernandina, and took an active part in the organizing of troops.⁸⁶ Later he sent his wife and children to his sugar plantation at a place called Homosassa, situated on a small river flowing into the Gulf of Mexico.

seceded and that they thereupon withdrew from the Senate. An amendment was offered that these names be stricken from the list of Senators. Both motions were tabled, and on March 13, 1861, a resolution was adopted that these Senators having withdrawn from the Senate, their seats in this body became vacant. This resolution, however, did not include Yulee, whose term of office had expired on March 3, 1861. See Senate, 36th and 37th Congresses, p. 195.

⁸³ See Mrs. Virginia Clay, "A Belle of the Fifties," *supra*, p. 147.

⁸⁴ Yulee, *supra*, No. 2, p. 3.

⁸⁵ *Ibid.*, No. 1, 38.

⁸⁶ See *The New York Herald*, *supra*.

He joined them there when Fernandina was captured and there he remained in retirement during the early years of the war, Homosassa becoming one of the shelters of refuge for blockade runners, after Cedar Keys had been taken.⁹⁷

Though he was repeatedly consulted by Southern statesmen throughout the struggle, he took no active part in the war. While he and his family were absent on one occasion, Federal troops appeared and his house was destroyed by fire,⁹⁸ but the army officers disclaimed all responsibility.

His friendship with Jefferson Davis had been a very close one in the early days, and a letter written by the latter after some misunderstanding during Pierce's administration closed with the words

You are too near to me by many ties, and your kindness has been too often shown, to permit me to leave you for an hour in doubt as to the affectionate regard with which I am as ever,

Your friend,

JEFFERSON DAVIS.⁹⁹

During Buchanan's administration, however, their relations became somewhat strained, because Yulee was instrumental in securing Johnston's appointment as Quartermaster-General in preference to Colonel Robert E. Lee, who was Davis' candidate. Later still, after the commencement of the war this estrangement became a permanent breach.¹⁰⁰

Despite the fact that Yulee took no active part in the war, the Federal Government regarded him from the start as one of the chief offenders, and made repeated efforts for his capture.¹⁰¹

⁹⁷ Norton, *supra*, p. 233; Yulee, *supra*, No. 2, p. 4; "Proceedings of the Convention of the People of Florida, 1861," p. 15.

⁹⁸ This is denied by Norton, *supra*, p. 233. See, however, Yulee, *supra*, No. 2, p. 7.

⁹⁹ Yulee, *supra*, No. 2, p. 8.

¹⁰⁰ *Ibid.*, pp. 8, 9.

¹⁰¹ *Ibid.*, p. 9; *The New York Herald*, *supra*, states that "he did all in his power to organize troops for the defense of the state and

After Appomattox, the Governor of Florida appointed him one of a commission to go to Washington and confer with the President as to the reëstablishment of Florida in the Union.¹⁰² Before reaching Washington, however, he was arrested at Gainesville, Georgia, and sent a prisoner to Fort Pulaski, near Savannah.¹⁰³ The letters above mentioned, found at Fernandina, were the basis of his arrest, and though many prominent men interceded with President Johnson he remained a prisoner. Even his friend Stanton refused at first to stir in his behalf.¹⁰⁴ The State of Georgia in Convention memorialized the President in behalf of Yulee, Davis and the few remaining prisoners of state.¹⁰⁵ A whole year elapsed, yet though most prisoners of war had been set at liberty, the only ones that remained in confinement were Davis, Clay and Yulee.¹⁰⁶ The last-named was finally liberated through the efforts of his old friend General Joseph E. Johnston, who induced General Grant to intercede for him.¹⁰⁷ Thereafter he took no active part in politics though it is stated that he was again offered the United States Senatorship.¹⁰⁸ He joined his family at Fernandina and continued to devote all his time to building up the ruined railroad system of Florida, retiring finally with a com-

took such an active and prominent part in the rebellion that at its close he was incarcerated." See also *The World*, New York, October 11, 1886.

¹⁰² Yulee, *supra*, No. 2, p. 10.

¹⁰³ *Ibid.*

¹⁰⁴ *Ibid.*, p. 14.

¹⁰⁵ See "Confederate Records of Georgia," 1865, p. 147: Resolution of October 26, 1865; Report of Committee, *ibid.*, p. 197.

¹⁰⁶ Yulee, *supra*, No. 2, p. 14.

¹⁰⁷ *Ibid.*, p. 15. He was pardoned by President Johnson who had been one of his colleagues in the Senate. See *The New York Tribune*, *supra*.

¹⁰⁸ Yulee, *supra*, p. 16.

fortable fortune.¹⁰⁹ Removing to Washington in 1880, Yulee was received into the circle of his former friends and associates, Fish, Frelinghuysen, Hamlin and others.¹¹⁰ His wife died in 1884 and he followed her two years later, on October 10, 1886. Both were interred in Georgetown Cemetery, at Washington. He left four children, C. Wickliffe Yulee, Mrs. C. A. Reid, the Misses Florida and Mary Yulee.¹¹¹

Though he can be regarded as a Jew by race only, yet his name deserves to be remembered because he was the first of his race to be a member of the United States Senate and because his career incidentally brings to view the career of his father, Moses Elias Levy, an observant Jew, who was one of the influential pioneers in the early history of the Territory of Florida.

¹⁰⁹ *Ibid.*; *The New York Herald*, *supra*, states that "After the War, he accepted the situation and did all in his power to restore the prosperity and commerce of the state." See George R. Fairbanks, "Florida, its History and its Romance," Jacksonville, 1898, p. 204.

¹¹⁰ Yulee, *supra*, p. 17.

¹¹¹ He died at the Clarendon Hotel, New York, where he was stopping on his way from Bar Harbor, Me., to Washington. See obituary notices in *The Sun*, and the other New York daily newspapers, cited herein, of October 11, 1886.

THE QUESTION OF THE KOSHER MEAT SUPPLY IN NEW YORK IN 1813: WITH A SKETCH OF EARLIER CONDITIONS.

CONTRIBUTED BY SAMUEL OPPENHEIM.

By Chapter 233 of the laws of New York for 1915 it is made a misdemeanor to sell or expose for sale and to represent as kosher any meat or meat preparations not sanctioned by Hebrew religious requirements. Though a new enactment in the general law of the state, in specifically designating and protecting the sale of meat used by orthodox Jews, it seems that as far back as 1796, and again in 1805, it was recognized by the municipal authorities of the city of New York as violating the rights of some of the inhabitants for a butcher to represent as kosher the meat offered by him for sale, which had not been ritually certified in accordance with regulations adopted by the Jews. And a little less than a decade later further recognition of the observance by the Jews of the precepts of their oral law relating to food was shown by the same authorities by the passage of an ordinance giving the governing body of the Jewish congregation in the city the right of controlling the means of such observance, but these same authorities at their next meeting, when a protest was made by some of the members of the congregation that the power granted infringed upon what they considered as their religious and civil rights, repealed the ordinance, thus again recognizing the observance but deciding not to interfere with its regulation.

The following sketch gives a brief history of the methods adopted in early New York to provide for the carrying out of the Jewish dietary laws, and also shows the relation between the government and the synagogue.

As is well known the observance of these laws, for which in addition to religious reasons a hygienic value is claimed,¹ was until recent times a certain mark of distinction between the Jew and the Gentile.² To the present day these laws are rigorously adhered to by orthodox Jews.

Nicholas Smart was a non-Jew butcher in the Fly Market, New York, in the last part of the eighteenth century. The still unprinted minutes of the Common Council of the city of New York, kept in the City Library in the City Clerk's office, state,³ under date of August 3, 1796, that:

On a complaint that Nich^s Smart butcher has fraudulently affixed false Jewish seals to meat for sale in the Public Market Ordered that he attend this Board at the next meeting on Wednesday afternoon the tenth instant to answer for his conduct.

The minutes, under date of August 10,⁴ read:

Nich^s Smart butcher attended to the order of last meeting and after examination of one witness on the part of the complaint the hearing was postponed till the next meeting.

At the next meeting, held August 15, the same record states: ⁵

On further consideration of the subject of complaint against Nich^s Smart butcher it was Ordered that his license be suppressed.

¹ See Carl H. von Klein, "Jewish Hygiene and Diet," in *Journal of the American Medical Association*, September 27, 1884; J. A. Dembo, "The Jewish Method of Slaughter," translated from the German, London, 1894, pp. 56-95; Noah E. Aronstam, "The Jewish Dietary Laws from a Scientific Standpoint," in *The Medical Age*, February 25, 1904; Joseph Mayor Asher, "Jewish Food and Health Laws," in "Encyclopedia Americana," article on "Judaism;" and for an historical sketch, "The Jewish Encyclopedia," vol. iv, s. v., "Dietary Laws," and authorities there cited.

² The value of these laws as manifesting the local existence of Judaism is made the subject of an anecdote by Isaac D'Israeli in his entertaining though unfriendly work, "The Genius of Judaism."

³ Vol. 12, p. 36.

⁴ *Ibid.*, p. 39.

⁵ *Ibid.*, p. 41.

A final reference to this matter in the minutes appears under date of September 26, when it was

Ordered that Nich^s Smart butcher be restored to his office.

Caleb Vandenburg was a non-Jew butcher in the Fly Market, in New York, in the first part of the nineteenth century. The same unprinted minutes of the Common Council record⁶ under date of August 12, 1805, that:

A petition of the Congregation Shearith Israel stating that Caleb Vandenburg had improperly used a seal resembling theirs to affix upon meat was referred to the Market Committee.

This petition is not to be found on file among the records of the City Clerk of New York, where similar documents are kept. Through the courtesy of Hon. N. Taylor Phillips, the officer of the Congregation Shearith Israel in the City of New York having charge of its records, a copy has been obtained from the unpublished minutes of the trustees of that congregation. These minutes show that at the meeting of August 11, 1805, the president was authorized to sign and deliver to Mayor DeWitt Clinton a memorial reading as follows:

To his Honor the Mayor and the Corporation of the City of New York in Common Council convened.

The Memorial of the President and Trustees of the Congregation of Shearith Israel in New York Respectfully Sheweth: That your Memorialists are peculiarly circumstanced, in their Religious Principles in regard to Meats which are brought to market for Sale, they being under the necessity of hiring a person, to kill all the Meats which are intended for the Consumption of our Congregation. That the said person is furnished with proper Seals, stamped with such Letters, as to designate the time when the said Meat was killed. That such Seals are the only Security we can possibly have to guard against Impositions. That unfortunately in the course of the last week, a person by the name of Cale Vandenburg has been found so depraved, as to be guilty of affixing Seals on Meat, which had not been killed by the person employed

⁶ Vol. 15, p. 322.

by us, and had exposed for Sale the said Meat, with such Seals on, to Members of our congregation, which by the testimony herewith offered will more fully appear. That your Memorialists have no Remedy but by application to your Honorable Board, who they feel confident will grant them redress, and protect them in their Religious Rites, secured to them by the Constitution of the United States, as well of this State, and inflict such punishment in your power as to prevent any such Fraud for the future.

By order of the Board of Trustees.

NAPHTALI JUDAH
Presid^t

Attest

ISAAC GOMEZ

Clerk.

The testimony mentioned in this memorial was submitted in the form of three affidavits. No copy of these is available, but the substance of two of them is given in the trustees' minutes and in condensed form is here printed:

Jacob Abrahams, the shochet, stated that having been informed by other butchers in the market that Vandenburg was offering for sale as kosher sealed meat that was trefah he called on Vandenburg and told him it was wrong to do this, as he the shochet had not killed or sealed it; that Vandenburg laughed and said the meat was kosher and that he had sold a piece to a Jewess. Benjamin Seixas, the president, stated that after speaking to the shochet he called on Vandenburg who offered to sell him a piece of beef. The seal fell from the piece offered and another piece with a seal was shown him. The seal bore the date of two days before and the meat seemed proper for use. Seixas added that if he had not been warned he would have bought the meat for himself if he had wanted some. To make sure the meat was trefah he called on the shochet again to examine it, and the latter after doing so declared he had not killed nor sealed it. Vandenburg being asked how he dared put a seal on and offer for sale to Jews meat that was not kosher denied he had done so on the piece offered, and observed in a laughing and jeering manner that such things had been done before. The seal was then taken off. On the following day Seixas again called on Vandenburg and berated him for his conduct in practicing a fraud on members of the congregation. Vandenburg, then, after further questioning and denying he had put the seal on,

acknowledged that his boy had put it on. Seixas then told him he would complain to the corporation and endeavor to have his license taken away, and Vandenburg replied he did not care for that.

The third affidavit was made by Simon Myers Cohen, but its contents are not referred to.

The report of the Market Committee on the trustees' memorial is to be found in file box 26 in the City Clerk's Record Room in the Municipal Building, Borough of Manhattan, where are kept the extant records of the old Common Council. It reads:

The Market Committee to whom was referred the memorial of the President and Trustees of the Congregation of Sherith Israel report that they have examined the Subject and have conferred with Caleb Vandenburg who acknowledges he put the seals on the Meat, but did it in a joke, but the affidavits of two of the Congregation declare that he offered the Meat for sale as Coshier or fit for that Congregation to eat, and as we do not see any good cause why this Board ought not to protect this religious People in their religious Rights when not inconsistent with the Public Rights. We therefore are of opinion that Caleb Vandenburg be Suspended of his License as a Butcher.

New York Sep^r 2th 1805.

GEORGE JANEWAY

J^a DRAKE

The minutes of the Common Council, under date of September 2, contain this entry:⁷

Upon receiving the report of the Market Committee in the case of Caleb Vandenburg for affixing Jewish seals to meat

Ordered that he be suspended as a Butcher.

The trustees' minutes of the following day, September 3, state:

The President informed the Board that the Memorial and Affidavits taken on the Complaint against Cale Vandenburg, for selling Terepha Meat for Cashier, (as particularly noted in the last minutes) had been delivered by him to the Mayor of this City,

⁷ *Ibid.*, p. 351.

who had duly laid the same before the corporation, who in consequence thereof did deprive the said Vandenburg of his license.

The Common Council minutes of September 9, 1805, contain an entry^s reading:

A petition of Caleb Vandenburg to be reinstated was referred to the Mayor with authority to grant the prayer of the petition if he shall deem it expedient.

Vandenburg's petition for reinstatement is not on file, but the substance of it and copies of his apology to the trustees, with the latter's recommendation to the Mayor on the endorsement of the petition by three reputable citizens, are entered in the trustees' minutes of September 9 and 12. Condensed these are here given:

Vandenburg in his petition to the Common Council expressed contrition for the offence committed against the congregation of selling trefah meat as kosher and stated that being convinced of the magnitude of the offence he had solicited forgiveness of several members and had asked for a recommendation from the Board of Trustees.

The trustees having been informed of this petition resolved that if Vandenburg would make a suitable apology and add a recommendation signed by two or three respectable men they would consider the same.

Vandenburg then wrote to the trustees that he had been deprived of his license as a butcher in consequence of an act in which he intended no injury, as he was ignorant of its nature or consequence, and offered his sincere apology and promised to abstain in the future from any conduct which might afford offence to the trustees or the congregation. He attached a recommendation in his favor signed by Tunis Wortman, William Klein and James Cheetham, referring to his large family and his good character hitherto and that he was justly exposed to the censure of the trustees, though he intended no injury or insult, and was ignorant of the nature of his conduct.

Upon this the trustees authorized the giving to Vandenburg of a recommendation to the Mayor, signed by Naphtali Judah, Jacques Ruden, Bernard Hart and M. L. Moses.

^s *Ibid.*, p. 357.

That Vandenburg was restored appears from the fact, noted in the Common Council minutes later, that he was licensed to keep a stall as a butcher in the Catherine Market.⁹

Nicholas Smart in 1796 probably received his reinstatement under similar circumstances, though no entry regarding his case appears in the trustees' minutes.

Thomas F. DeVoe, in his compendious work treating of the butchers of New York,¹⁰ refers to the Smart case and quotes fully from the Common Council minutes, but cites the name of the butcher simply by his initials, thus N S He makes no mention of the Vandenburg incident. He naïvely or perhaps maliciously suggests that the office to which the smart Mr. Smart (who, he must have known, was a non-Jew) was thus restored "no doubt was butchering for the Jews."

Had Mr. DeVoe read carefully further on in the Common Council minutes and noted the entries for February, 1813, when the question of the authority of butchers to slaughter for the Jews was considered, he probably would not have made the comment he did.

Under date of February 1, 1813, the minutes¹¹ read:

A Petition from Benjamin S. Judah and Isaac Gomez Junr in behalf of the Trustees of the Society of Sheerith Israel was read stating that agreeably to the Jews Laws it is not lawful for a Jew to eat of the flesh of Any Animal unless killed inspected and sealed by certain persons called Shochets duly authorized by the Trustees of the Synagogue that certain persons unauthorized by their Trustees had taken upon them the Office of Shochet and they

⁹ *Ibid.* In England a somewhat similar case with a Jew butcher occurred in 1788 and is mentioned by James Picciotto, in his "Sketches of Anglo-Jewish History," London, 1875, p. 214. It is not referred to by H. S. Q. Henriques in "The Jews and the English Law," though it is mentioned by Albert M. Hyamson, in "History of the Jews of England," London, 1908, pp. 295-6.

¹⁰ "The Market Book," New York, 1862, p. 202.

¹¹ Vol. 26, p. 205.

prayed the interference of the Common Council to prevent such impositions. Whereupon an Ordinance was passed entitled "an Ordinance to prevent impositions in the sale of Jews meat in the public Markets."

The following is a copy of the petition here referred to, taken from the original in file box 53 in the City Clerk's Record Room.

To the Mayor, Aldermen & Commonalty of the City of New York.

The Memorial of Benjamin S. Judah & Isaac Gomez Junior
Respectfully Showeth:

That by a resolution of the Board of Trustees of the Congregation Shierith Israel in the City of New York, a certified copy of which is hereunto annexed, your memorialists have been appointed a committee for the purpose of respectfully representing to your honors that by the Jewish Laws it is not lawful for any Jew to eat of the flesh of any Beaves, Calves, or sheep unless they were killed inspected & sealed by certain persons called Shohets, duly authorized by the Maumad or Trustees of the Synagogue & by them pronounced to be sound. That it has ever been customary for all societies of Israelites to employ one or more Shohets for the purpose of killing, inspecting & sealing meats before they are exposed for sale in the public markets; that from the first establishment of the Synagogue in the City a Shohet has been employed by the Maumad or Trustees of the same who have allowed him a compensation for his services, which has been remunerated to the Society by Butchers who have been employed by the Society in consideration of receiving their custom.

Your memorialists would further represent to your honors, that in violation of ancient customs and wholesome regulations of the said Society certain persons who are not employed by the Trustees of the Congregation aforesaid have killed & sealed meat, and that the same has been exposed for sale in the public markets by Butchers without the authority of the Society aforesaid for so doing.

Your memorialists therefore beg leave to solicit the aid of your honors in the premises & to request that you will pass an ordinance prohibiting under such penalties as you may deem proper, the exposing for sale in the public market of any meats sealed after the customs of their Society unless the same has been killed & sealed by the Shohet employed by the said Trustees & exposed

for sale by such Butchers as may be designated by the Trustees aforesaid.

And your Memorialists as in duty bound, will ever pray.

New York 29 January 1813.

BEN. S. JUDAH

ISAAC GOMEZ JUN^R

Board of Trustees Congregation of Shéérith Israel the 25th January 1813.

Resolved that the Board adhere to their ordinance enacted to prevent imposition by the Shohet on the Congregation whom they preside over, and that a temporary Shohet be employed untill Mark Solomons can be sent for, conformable to his Election as Class No. 2, and that a committee of . . . be appointed to draw a Memorial, and Ordinance to be presented to the Mayor and Commonalty of this City, praying that the same may be passed, prohibiting the sale of any sealed Beef or Meat commonly called Jew's Beef, not killed and sealed by the Jew Butchers (called Shohet) engaged and employed by the Trustees of the Congregation Sheerith Israel; and that the said Committee be empowered to take the aid of Ogden Edwards Esquire the Attorney of this board, and to consult him on any legal acts in the premises.

Moved and seconded that the blank be filled with the names of Messieurs B. S. Judah and Isaac Gomez Junior.

Extract from the Minutes.

M. GOMEZ

Clerk.

The reference in the foregoing resolution to the trustees adhering to their ordinance enacted to prevent imposition by the shochet on the congregation is to another resolution, designated as an ordinance, passed January 3, 1813, after considering the report of a committee presented and adopted at a meeting held November 15, 1812. This related to the election of a new shochet for the congregation.

There had been some difficulty with the incumbent, Jacob Abrahams, whose term was to expire February 1, 1813. He had held the office since 1803, being elected annually.¹² Under

¹² *Publications of the American Jewish Historical Society*, No. 21, p. 214.

his contract he was among other things to see to it that the markets were supplied with meat for the members. Complaints had been made that he had failed to do so. On June 2, 1812, he had been instructed by the trustees to arrange with the non-Jewish butchers (contracted with by the congregation, as explained further on), to kill with them on Wednesdays until the first of November. Later, on August 4, the trustees, through a committee, directed that the killings should be on the Wednesdays during September and October, and they added four nights succeeding the holidays in those months. On August 30, 1812, the committee reported that because the dates named were not specifically mentioned in his contract Abrahams had refused to kill as requested, unless \$46.64 were allowed him as extra compensation. His salary, in part paid by the butchers, was \$550 per annum, including leads for seals. This was not his sole occupation.¹³ The trustees thereupon in a resolution characterized his demand as exorbitant and highly unjust. It furnished, they declared, additional evidence of his contempt of the dissatisfaction which existed among the members because of his failure to keep the markets supplied, and their consequent deprivation of a necessary article of food. His conduct in attempting to take advantage of an omission in his contract in reference to the days of killing, the trustees added, had produced much clamor in the congregation and merited extreme reprobation. Under his earlier contract, made in 1805 (copied in the minutes of November 11 of that year and presumably renewed on substantially the same terms from year to year while he held office, as no copy is entered later), he was to keep the markets supplied every day except the Sabbaths, the second days of the holidays and Yom Kippur, and was also to supply the markets on the days succeeding the holidays. This apparently meant that he was

¹³ The New York city directory for 1813 gives the name Jacob Abrahams, clothing, Vesey Street corner of Greenwich.

not to kill for the sale of meat on the excepted days. The requirement of August 4, 1812, called for killing on the second night of Rosh-Hashona, Kippur night and the second and eighth nights of Succoth.

Again on November 2, 1812, he had failed to kill and the markets had not been sufficiently supplied, and thereupon at the meeting of November 4, Solomon Seixas and Haym M. Salomon were appointed a committee of investigation. Their report, however, is not entered in the minutes. At the same meeting Benjamin S. Judah and Solomon Seixas were appointed a committee to draft a proclamation regarding the election of a new shochet and a circular to be sent to various congregations out of the city to induce candidates to offer themselves. On November 15, they reported making certain recommendations the substance of which will be given further on.

At this period, and also prior thereto after the days of Asser Levy who died in 1682, there were no butcher shops in New York kept by Jews, and the familiar sign "kosher" in Hebrew letters, now seen on the windows of such shops, did not then meet the eye of the passerby. This was no doubt due to the conditions of the business and to the inability of Jews to profitably dispose of trefah parts if owning the whole animal. The control of the sale of meat was in the hands of a limited number of butchers, licensed by the Mayor under certain regulations. The business was done in public markets where each butcher rented a stall, and no meat was allowed to be sold elsewhere during stated hours fixed by city ordinances.¹⁴ Few Jews seem to have been licensed as butchers since the early days under the Dutch and in the first years of the English rule.

A short sketch of the conditions relating to the meat supply for the Jews since their arrival in New York, so far as the facts

¹⁴ "Ordinances of New York," compiled and published in 1707, 1749, 1774, 1793, 1799, 1812; DeVoe, *supra*, p. 200.

have not already been given in the *Publications* of this Society, will be of interest.

Under the Dutch, Asser Levy and Moses Lucena were sworn in in 1660 as slaughterers of animals,¹⁵ the former becoming a partner of Egbert Meindersen, a butcher, and also dealing in cattle.¹⁶ We also find that on October 31, 1665, Asser Levy, by virtue of his appointment under the Dutch, was resworn in under the English as a slaughterer of animals, with other butchers, among whom was Gerrit Jansen Roos,¹⁷ whose partner he became in the building and ownership of a slaughter house patented to them and known as the Broadway Shambles.¹⁸

We have no record until recent times of other Jews selling meat publicly, or owning slaughter houses, or keeping butcher shops. However, the names of some Jews, presumably shochets, appear as butchers soon after Levy's death. In the MS. Mayor's Court Minutes, under date of May 1, 1683, there is an entry that

Upon the petition of Symon and David Valentine Van der Wilden they are admitted and allowed to exercise the trade and occupation of butcher within this city and precincts.

Under date of August 29, 1695, Isaac Naphtali, in a petition of Simon Bonan for letters of denization in New York to Naphtali, is described as a "Jew, butcher, in Rhode Island." Under date of August 23, 1698, Joseph Isaacks' occupation, on his admission as a freeman, is referred to as that of butcher,

¹⁵ "Records of New Amsterdam," New York, 1897, vol. vii, pp. 258, 261; *Publications, supra*, No. 18, p. 64.

¹⁶ "Records of New Amsterdam," *supra*, vol. iii, p. 248; vol. v, pp. 320, 158, 164.

¹⁷ *Ibid.*, vol. v, p. 312. This item has not heretofore been noted in any account of Asser Levy.

¹⁸ "Minutes of the Common Council," vol. i, pp. 67, 68; Book of Patents No. 5, p. 34, in Secretary of State's office, Albany, N. Y.; DeVoe, *supra*, p. 55.

as is likewise, on a similar admission, that of Valentine Campanel on June 9, 1713.¹⁹

In 1730 mention is made of shipments of Jews' meat to Curaçao. This is found in three bills of lading recorded in Liber 31 of Conveyances (pp. 392, 393), in the Register's office, New York County. There it appears that in September and October of that year Abraham Rodrigues de Rivera shipped to Abraham Dias Coutino of Curaçao

One Barrell with Smoak Sasangers and two firkins of fatt; also one furcking of Canker (*sic*) [Casher] fatt; and Six half Barrells of Peackle Jew Beeff and two firkins of Peackle Sasangers and one furcking of fatt.

Reference is made in the minutes of the Congregation Shearith Israel between 1747 and 1758 to the exportation in barrels and casks of kosher meat to places beyond the sea, meaning thereby the West Indies, as Jamaica and Curaçao are mentioned.²⁰

According to the MS. accounts of the congregation (kept in a separate volume referred to in the printed minutes, p. 66, note), the trustees collected for part of 1752 a very small tax on beef exported. In the account of 1753, which covered part of the year 1752, the amount was much larger. £25 4s 9d were paid as a tax on the exportation of 1941 barrels and firkins of beef. In 1757 the amount so paid was £5 11s 3d on 445 casks. No other receipts are noted in the accounts for this purpose. Neither in the accounts nor in its other records are there any entries showing that the congregation as a body or through its trustees was engaged in any way in dealing in meat or made a profit from its sale as merchandise. In an arrangement made with the shochet in 1805 he was allowed as a perquisite to col-

¹⁹ MS. Mayor's Court Minutes, *sub dato*; see *Publications, supra*. No. 6, p. 101; also *ibid.*, No. 2, p. 48. For Naphtali see "New York Colonial MSS.," vol. 40, p. 65 (at New York State Library in 1910).

²⁰ *Publications, supra*, No. 21, pp. 56, 67-9, 77, 78; *ibid.*, No. 22, p. xxii, as to exportation to Barbados.

lect a fee of fifty cents on each large animal killed by him for export.²¹ This would indicate that the exportation of meat was still carried on after 1758, when it is last noted in the printed minutes, until and after the Revolution.

The late David Sulzberger, commenting on a statement of Rev. Gershom Mendes Seixas, said ²² it would be safe to infer that there were in 1812 about three hundred and fifty souls in the New York congregation and no less than fifty additional unattached. This apparently is on the basis of an average of about six to a family, fifty families being then counted, in addition to the unmarried ones.

The Jewish population of the city from about the beginning of the eighteenth century until 1812 did not vary materially from these figures, as may be judged from the printed minutes of the congregation covering the years 1728 to 1786 and those unprinted thereafter to 1812. There was no other Jewish congregation. Chaplain John Miller's *New Yorke*, published in 1695, gives the Jewish population then as twenty families. The printed minutes for 1728 show about forty different names of heads of families, while in 1746 they give a list of fifty-one subscribing members. Lists of names given in the minutes and accounts thereafter to 1812 show small variations in number.

²¹ MS. Minutes for November 17, 1805. In earlier years we find that in 1746 Abraham Myers Cohen in a suit brought against him by Elijah Barton is charged with £6 16s 1d for divers weights of beef sold him. See Mayor's Court Records, bundle marked 1734-1740. In the MS. Mayor's Court Minutes, under date of July 24, 1753, and May 3, 1757, in separate suits brought by Edward Croston and John Carpenter against Abraham deSouza, it appears that deSouza bought in 1753 divers quantities of butcher's meat, fat and tallow, to the amount of £22 and £130 respectively. The purchases no doubt were made for export purposes; deSouza's name appears as Abraham Henriques deSouza in the congregation's accounts referred to above, though not at all in the printed minutes.

²² *Publications, supra*, No. 6, pp. 141-2.

The population of the city during the same period, as given in Valentine's "Manual" for 1862 and other years, has in round numbers been estimated as follows: 4000 in 1696; 8000 in 1731; 10,000 in 1756; 21,000 in 1773; 23,000 in 1786; 33,000 in 1790; 60,000 in 1800; and 96,000 in 1810. Thus, while the population of the city increased greatly during the various decades of the eighteenth century that of the Jews during the same period did not keep proportionate pace but remained almost stationary.

In order to supply the comparatively small Jewish community of the city with animal food it was necessary for the trustees to enter into contracts with a number of non-Jewish butchers whereby the latter agreed to permit the duly appointed shochet to kill for them, and after inspection, to seal the parts of the meat that could lawfully be partaken of by Jews. The sealing, according to the minutes of 1758, made a watcher or shomer at sales unnecessary. These parts, so duly sealed, were kept separated from other classes of meat and were offered for sale at stated hours by those selected butchers, who thus obtained profitable Jewish customers. Within these hours there was occasionally early in the day, noted in 1786, and also at other hours, noted in 1765 and 1770, an insufficiency of supply.

No copy of the contracts with the butchers can be found among the records of the congregation, though they are mentioned in the minutes of February 9, 1812, as having been then signed and filed with the Clerk. No copy is entered in the minutes, from which, however, we may gather some details. On this date a bargain was reported as having been made for one year with four butchers in the Fly Market (near the foot of Maiden Lane) for beef, and with three for small creatures, the three to pay for the privilege of supplying the members the price the four were to pay; also with two in the Bear Market (part of the present Washington Market) for beef and with two for small creatures. The amount thus agreed

to be paid by the butchers totaled four hundred and twenty dollars, and their notes therefor were to be turned over to the shochet as his compensation in addition to the sum of one hundred and thirty dollars allowed him by the congregation.

The butchers usually gave the shochet as a perquisite certain small pieces, such as tongues, etc., but these pieces were required by the trustees to be sold by the shochet, through the butcher, at the market price, to a congregator at the latter's request.²³ The amount realized from this source was not large, as is seen from a complaint made by Mark Solomons, the shochet in 1796, who after a few months' service stated that the emoluments from the sale of the tongues were much less than he had been led to expect, and that the "high price of living in the city" made it necessary for him to ask for an increase of salary, which the trustees graciously allowed him to the amount of twenty pounds.²⁴

The following typical rules, according to the minutes of February 14, 1796, were required to be observed by this shochet, then newly elected :

1. He shall supply the market with a sufficiency of large and small meat for the congregation. 2. Seals shall be plain and placed on different parts of the hind as well as the forequarter. 3. He shall remove the seals from the meat whenever he thinks it becomes trefah. 4. The Crantz fat shall be sealed when requested by the butcher or a congregator.

These rules were amplified in the agreement of November 11, 1805, with Abrahams.²⁵

The butchers having been selected for their character, reliance was largely placed upon their honesty and faithfulness for the proper carrying out of their agreement relative to the sale of the kosher meat. The instances, noted after 1790,

²³ MS. Minutes for November 11, 1805.

²⁴ *Ibid.*, for May 22, 1796.

²⁵ For the earlier rules of 1758, and other related particulars, see *Publications, supra*, No. 21, pp. 76, 77, 45, 90.

where this trust appears to have been abused were on investigation found to have been without dishonest intent and arose from ignorance of the strict requirements. The accused were permitted after warning to continue selling. In the cases where complaints were made to the corporation, the violations, as in 1796 and 1805, were made by butchers not employed by the trustees. The congregation, according to the minutes, went several days without meat in 1771 because of charges against a shochet and his resignation temporarily thereupon. This caused in later agreements, noted in 1805, the requirement of a three months' notice of intended resignation.

In a case brought in 1787 against the shochet A. A. Von Ottingen, on the complaint of Hyam Myers and Eleazer Benzaken, for killing an animal improperly, Benzaken had removed the seals from the meat because in his opinion the animal was trefah. The matter was heard before a body consisting of Hayman Levy, Solomon Simson, Isaac Moses, Josiah Ellis and Samuel Judah, trustees, Manuel Myers, Hart Jacobs, Hyam Solomons, Ephraim Hart and Myer Myers, shochtim, and Abraham I. Abrahams, Isaac Pinto and the Hazan Gershon Seixas, "to examine and explain the dinim" or laws, and the shochet was exonerated and declared to have properly complied with the rules. It was also decided that no individual had a right to remove the seals from meat sealed by the congregation's shochet.²⁶

One of the provisions of the Jewish dietary laws forbids the use of meat after a certain length of time following the killing. The observance of this requirement is illustrated in the minutes of March 4, 1798. Then Uriah Hendricks called attention to an abuse he had witnessed in the sale of sealed meat which had been offered as fresh and appeared so to be on the closest scrutiny, but which was actually ten or twelve days old, whereby, because the seals had not been removed, many were

²⁶ MS. Minutes for Tamuz 20, 5547 (July, 1787).

deceived into buying. The shochet was called upon to explain and was ordered to live up to his agreement and to remove the seals in proper season.

The minutes of the trustees for 22nd Tamuz, 5550 (July, 1790), to be found in the book of minutes of the electors, 1790-1835, contain the item that Mr. Benjamin S. Judah informed the meeting

that one Passenger, a butcher, had imposed Terefa beef for Casher in his sale to a Yehuda,

whereupon it was resolved that the shochet receive instructions to omit killing in the future for said Passenger without the particular permission of the Board.

The minutes of May 28 and 29, 1805, show that Thomas Gibbons, one of the congregation's butchers, was complained of to the trustees by Benjamin Jacobs, Senior, for selling a tongue properly sealed but not by the shochet. In defence, the butcher stated that the tongue had been taken from an animal which had been killed by the shochet, but no seal being on it when sent to Mr. Jacobs, he, Gibbons, had affixed one himself when Mr. Jacobs returned it through his coachman with a request for a tongue with a seal on it. After the complaint and defence had been considered by the trustees in conjunction with the minister, Rev. Gershom Seixas, and Ephraim Hart, Jacob Hart, Senior, and Israel B. Kursheedt, shochtim, it was decided that on receiving an affidavit from Mr. Gibbons that the seal was not affixed with any intent to deceive the congregator (which affidavit was furnished), the shochet be permitted to continue killing with him, and that Mr. Gibbons be notified that his conduct was disapproved of and should not be repeated in the future.

On January 8, 1808, a complaint was made by the shochet against John L. Fink, the nature of which is not stated in the minutes. The trustees having heard the evidence dismissed

the complaint as insufficient and authorized the shochet to continue killing with Mr. Fink as usual.²⁷

The minutes of June 11, 1811, contain correspondence between the trustees and Jacob Abrahams relative to a variety of complaints against the latter as shochet—that the markets were not sufficiently supplied with large and small meats; that for several days no meat killed on the previous day was to be had; that members could not be supplied with tongues; that he had failed to seal the hindquarters and shoulders of small meats; and that he had refused to kill with butchers who had the best cattle. To this Abrahams replied alleging the utter impossibility of giving general satisfaction; his predecessor he urged had failed to do so and he felt convinced he had fully done his duty. As to the insufficiency complained of he claimed that there was plenty of meat but a scarcity of certain parts arose when many wanted those parts. He killed every day, he wrote, and the best meat was regularly served. As to not killing with certain butchers he stated that he killed with as many as he possibly could in the time limited for the killing, and that if there was no meat in the market no blame could be attached to him. He admitted he had not sealed the hindquarters and shoulders of small meat, but added it was not customary so to do and that he had done so whenever requested. He knew of only one instance of a gentleman not getting a tongue, and that was because he could not give what he did not have.²⁸

Further references to the conditions outlined above are to be found in the memorial of January 29, 1813, in the memo-

²⁷ The minutes of October 10, 1808, show a complaint against the shochet Abrahams. See *Publications, supra*, No. 21, pp. 162, 163.

²⁸ That the Jews of England also had their troubles in regard to kosher meat previous to this time may be gathered from the account of James Picciotto in his "Sketches of Anglo-Jewish History," *supra*, pp. 158-9.

rials given further on, and in the unprinted minutes of the congregation as well as in those printed.²⁹

The names of ten out of eleven of the butchers contracted with by the congregation in February, 1812, are given in the minutes of August 30. There they are noted as Nicholas Steel, William Pulis, George Rierson, Andrew Fisher, William Meserve, Cornelius King, Cornelius King, Junior, John Hopkins, Alexander Fink, Senior, and Alexander Fink, Junior. According to DeVoe, the last four named were of the Bear Market and the others of the Fly Market. From the minutes it appears that, on August 20, these butchers on request signed an agreement to permit Abrahams the shochet to kill for them on the dates named by the trustees, though these were not enumerated in their contract, but Abrahams in a letter dated August 30, 1812 (copied with the butchers' letter in the minutes), declined, as already stated, to act at these times unless additionally compensated.

On November 15, of the same year, the committee on the election of shochet, appointed at the meeting of November 4, made their report. They recommended that notice of the intended election be sent to the Jewish congregations in Philadelphia, Richmond and Charleston, to be read to their mem-

²⁹ *Publications, supra*, No. 21, pp. 4, 60, 64, 69, 76, 90, 94, 107-9, 112, 124-7, 155; DeVoe, "The Market Assistant," New York, 1867, pp. 18-20, 87. He gives, apparently from his own observation and on information derived from Jewish friends, a good description of the customs and laws of the Jews relating to kosher food, and of their method of slaughtering cattle by a shochet appointed, as he says, by their synagogue or some ecclesiastical authority. He describes the manner of examining the animal after it is killed, to see if it was in sound health, and the placing of seals on the fore-quarters to show the meat to be kosher, and, under certain conditions, on the hindquarters. These seals, he informs us, were until 1846 made of lead, since which time thick paper and wax have been used. The shochet, he adds, is paid an annual salary by the society in which he worships, and in addition receives a perquisite from the owners of the animals he slaughters.

bers; that the shochet to be elected should be subject to the control of the trustees; that he should kill with as many butchers as they might direct, every day if required, except certain holidays to be specified; that he should agree to truly and faithfully perform the duties of his office; and that for his services he be allowed four hundred dollars per annum, including all emoluments and perquisites. To pass upon the qualification of the candidates a committee of Bet-Din of shochtim, who are referred to in the last document printed below, had been appointed October 25. These were Joseph Andrews, Moses Gomez, Ephraim Hart, Jacob Hart, Israel B. Kursheedt and Naphtali Phillips, any three of them to act, to whom was added, December 3, Rev. Gershom Seixas, the minister of the congregation.

Mark Solomons, in a letter dated at Charleston, S. C., December 4, 1812, submitted his application for the position of shochet, and stated he had formerly acted in that capacity for the congregation in New York. Jacob G. Berlin likewise applied. On the day of the election Jacob Abrahams offered himself as a candidate. He wrote that he was willing to serve at the salary he was then receiving, even if the number of days for killing were increased, but would take less if the labor and duty were proportionately decreased.

The election was held January 3, 1813. Just previous to the balloting notice was given that no candidate or candidates would be considered except those offering themselves in conformity with the report of November 15, 1812. If more than one candidate was voted for they were to be classed singly. The candidate receiving the highest number of votes was to be known as Class No. 1, the next highest as Class No. 2, and so on, and on failure of Class No. 1 to accept the terms proposed by the trustees, the election was to fall to Class No. 2, and so on in rotation. This method was adopted, the resolution declared, in order that

the congregation may not suffer imposition or be without a shochet.

Thirty-five members of the congregation were present at the meeting. Their names as entered in the minutes, here alphabetically arranged, are as follows: Isaac Abrahams, Jacob Abrahams, Solomon Abrahams, Joseph Andrews, Abraham Barnet, Benjamin Gomez, Isaac Gomez, Junior, Moses Gomez, G. S. Gumpert, Ephraim Hart, Jacob Hart, Dr. Joel Hart, Joseph Hart, Harmon Hendricks, H. Hyman, Michael Isaacs, Sampson Isaacs, Samuel Isaacs, Israel Jacobs, Solomon Levy (Johnson), Aaron Judah, Cary Judah, Moses Judah, Naphtali Judah, I. B. Kursheedt, Eleazer Lazarus, Moses Leon, Aaron Levy, Benjamin Levy, Isaac H. Levy, David Moses, Isaac Moses, Junior, Sam Myers, Levy Nathans, Seixas Nathan, Naphtali Phillips, Alexander Ruden, Haym M. Salomon, Benjamin Seixas, Solomon Seixas, Sampson Simson, Daniel Solis, John Solomons, and William Warner. Quite a number failed to attend.

On counting the ballots the inspectors, after stating that one ballot had been invalidated as being in duplicate, announced that Jacob Abrahams had received twenty-six votes and had been elected as Class No. 1, and that Mark Solomons had received eighteen votes and had been elected as Class No. 2.

When it came, however, to the signing of the contract with him, prepared so as to conform to the report of November 15, 1812, Abrahams, after making some objections, which were considered and overruled, declined to accept its terms. This was reported to the meeting held January 25, 1813, and then the resolution above given in the memorial to the Common Council of January 29, that the board would

adhere to their ordinance enacted to prevent imposition by the shochet on the congregation

was passed by the trustees.

Notice was ordered at the same time to be given in writing to Abrahams that his contract having expired he would no longer be considered as in the employ of the trustees as shochet. A

request was also ordered to be sent to him to return the knives, pinchers, seals and other articles in his custody belonging to the congregation. The action on this request is noted towards the end of this sketch.

The reference in the memorial to "certain persons, who are not employed by the trustees," who killed and sealed meat which was exposed for sale in the public market by butchers who had no authority from the Society for so doing, was no doubt to Abrahams and one or two other qualified *shochtim*—probably assistants or former incumbents—who had authority, under the Jewish law, to kill. Through the latter, other butchers than those contracted with by the congregation could thus properly offer meat for sale as kosher, using their own seal. The effect would be to compete in the sale of this class of meat with the butchers employed by the congregation and thus bring about a reduction in the revenue which went towards the payment of the *shochet's* salary. This effect is mentioned indirectly in a report to the trustees of February 4, 1813, referred to below. It was not, however, the inducing cause of the application for the ordinance. That was rather sought for in order to ensure strict compliance with the requirements of the Jewish law. An outside *shochet* also would not be subject to control in the performance of his duties, and members using him would have no one to appeal to on any doubtful questions relating to the dietary laws, usually submitted to persons in authority. The Rabbi or the *Bet-Din* of the congregation would not recognize the work of such outside *shochet*, or would declare it *trefah*, and confusion would result. The trustees considered themselves as standing in *loco parentis* towards the members of the congregation in the enforcement of the laws.³⁰ Their desire in 1813 to control the market can therefore, in view of what is herein outlined, be readily understood.

³⁰ *Ibid.*, pp. 74, 122-4, 219, 164, and the last document printed below.

The trustees' memorial of January 29, 1813, was endorsed by the Clerk of the Common Council thus:

No. 8. Memorial on behalf of Congregation Sherith Israel. In Com. Council, Feby 1, 1813, read and Ordinance passed agreeably to prayer of Pet.

A copy of the ordinance could not be found in the City Clerk's Record Room where it should have been, as the manuscript volumes of ordinances prior to the fourth, covering the period before 1836, are there missing. No copy of this ordinance is in print. Through an examination, however, of the unpublished minutes of the trustees of the congregation, permitted through the courtesy already acknowledged, a copy (as also of other matter used herein relating to the subject before us) was found therein. The ordinance reads as follows:

An Ordinance to prevent impositions in the sale of Jews Meat in the public Markets, passed the 1st of February 1813.

Be it Ordained by the Mayor, Aldermen and Commonalty of the city of New York in Common Council convened. That no Butcher, or other person shall hereafter expose for sale in the public Markets any Meat sealed as Jews Meat who shall not be engaged for that purpose by the Trustees of the congregation of Shéérith Israel, and unless the Meat has been sealed by a person employed by the Trustees of the said Congregation for that purpose called a Shohet, under the penalty of twenty five dollars for each offense.

A true copy

(Signed) I. MORTON,
C. C. C.

This ordinance, if unrepealed, would have given the trustees of the congregation the exclusive control of the supply of kosher meat to orthodox Jews in the city of New York, because, unless they approved of the shohet, the latter's seal could not be affixed to Jews' meat, and, unless so affixed, orthodox Jews would not have purchased or partaken thereof. But fate decreed that such control should not be lodged with the trustees, as appears from the further record.

At a meeting of the trustees held February 4, 1813, at which there were present Messrs. Benjamin Gomez, President, Joseph Andrews, Benjamin S. Judah, Isaac Gomez, Jr., Haym M. Salomon and Solomon Seixas, a report was made by Benjamin S. Judah and Isaac Gomez, Jr., the committee appointed by the resolution of January 25, of their action before the Common Council and of the passage of the ordinance in question on their petition. They annexed to their report a copy of their memorial and an authenticated copy of the ordinance. They concluded with the following statement:

Your committee have been informed that Jacob Abrahams supported as they believe by some other member or members of this congregation propose applying to the Corporation of this city for a repeal of this salutary law. Your committee [ask] that without delay steps may be taken to rebut their improper conduct. New York 4th Feby 1813.

The committee also reported that under the authority vested in them they had employed and commissioned Jacob G. Berlin from the first to the fifteenth of February as temporary shochet and that he had entered upon his office accordingly.

The trustees thereupon adopted the following resolutions, as appears in the book of their minutes:

Whereas at the last Session of the Common Council a law was passed prohibiting the sale of sealed Meat, since which a certain Member of this Congregation being instigated by persons of the same disposition, had the publication of said law suspended, and intend praying for the repeal of the same, and are endeavouring to obtain the signatures of members of this congregation under the imposing Idea that it is an infringement on the rights of the people.

Therefore Resolved by the Trustees of the Congregation Shéérith Israel that they deem such opposition as wicked and irreligious, and only tending to destroy the respectability of the Congregation of which they preside over.

On Motion of Solomon Seixas and seconded by Haym M. Salomon. That Messieurs Benjamin S. Judah and Issac Gomez Junior, the committee appointed at the last meeting be directed to continue to use their endeavours to repel the opposers, and to continue

such lawfull means to have the law confirmed by the Corporation as they and the Attorney of this Board shall deem proper.

On February 8, the minutes of the Common Council³¹ contain the following record:

A Memorial of Sampson Simson and others Members of the Congregation of Sheareth Israel praying the repeal of the Ordinance passed at the last Meeting of the Board "preventng impositions in the sale of Jews meat in the public market" was read Whereupon Resolved that the Ordinance be repealed.

It was then moved that the whole subject be referred to a Special Committee The question being taken thereon & a division being called for the Members voted as follows: Affirmative Ald^r Wendover, Morss, Vanderbilt, Buckmaster and M^{ss} Brackett, Waldron, Mann, King, Palmer—9. Negative Ald^r Mesier, Cunningham, Fish, Dickenson, Pell, M^{ss} Nitchie, Hardenbrook, Smith, Lawrence—9. The Board being equally divided the Recorder gave his casting vote in the negative.

The Common Council consisted of Mayor DeWitt Clinton, the Recorder, Pierre C. Van Wyck, and ten Aldermen and ten Assistant Aldermen. In the absence of the Mayor the Recorder presided at this meeting at which all the members were present except the two representing the sixth ward. The effort to refer the matter to a committee for further consideration is significant of the importance attached to the subject by the members of the Board. The failure so to refer is later mentioned by the trustees as a reason why they were unable to have a full discussion of the subject, as desired by them.

The memorial just referred to is here given, as copied from the original in the same file box 53 in the City Clerk's Record Room. A copy is not to be found in the minutes of the trustees of the congregation, for reasons which will appear.

To the Honorable the Mayor Aldermen and Commonalty of the City of New York in Common Council convened.

The Respectful Memorial of the subscribers members of the congregation of Shearith Israel in the City of New York, sheweth That We have learned with the deepest regret, that an ordinance

³¹ *Supra*, vol. 26, p. 221.

has passed your Honorable Body, entitled "An Ordinance to prevent impositions in the sale of Jew's Meat in the public Markets" Which we humbly conceive to be an encroachment on our religious rites and a restriction of those general privileges to which we are entitled.

Your Memorialists are sensible that your Honorable Body did not intend to impair the civil rights, or wound the religious feelings of our sect. We therefore in full confidence that you will grant us relief respectfully pray that the said ordinance may be immediately abolished and if consistent with the regulations of your honorable Body may be expunged from the Minutes of your proceedings.

New York February 2d 1813.

SAMP^N SIMSON
HARMON HENDRICKS ·
M. L. MOSES
JACOB LEVY JR.
BERN^D HART
AARON LEVY
GOMPERT S. GOMPERTS
SEIXAS NATHAN.

The document was endorsed by the Clerk :

No. 22. Memorial of members of the Congregation of Sheruth Israel. In Com. Council Feby 8, 1813. Read—Ordinance repealed.

I. MORTON.

What took place at the hearing before the Common Council on February 8, may partly be gathered from the report of the committee, Judah and Gomez, to the trustees, following the repeal of the ordinance. This report and the resolutions of the trustees thereon are to be found in the trustees' minutes for February 14, here given through the courtesy already acknowledged. At that meeting the same trustees were present as at the meeting of February 4. The committee's report was as follows :

Your Committee according to instructions attended at the Chamber of the Corporation of the city of New York on Monday the 8th Instant, and much to the regret of all good Jews who have the welfare and prosperity of the finances and good management of our religious Society at heart, a Petition [was presented] (a copy

of which your committee applied to the Clerk of the Common Council for, on the 9th Instant who referred your committee to the Recorder to obtain his sanction for the clerk to copy and deliver the same to your committee; on the 10th instant one of your committee applied to the Recorder and clerk for the purpose aforesaid, when the Recorder refused his sanction to the clerk to furnish a copy of the Petition, but the said Recorder observed that if one was wanted, that application must be made to the Common Council for the same); your committee regret that they are precluded the satisfaction of accompanying this document with this report for the full information of this Board; the same was signed by some of our Electors who are unfortunately misguided in advocating the cause of Jacob Abrahams late Shohet; the said Petition appeared to have been accompanied by oral information of an unfortunate Schism in our society; and much inflated with a considerable degree of misrepresentation as to our real views to the intention and facts stated in the memorial of your committee dated the 29th January last, and presented the 1st February instant, which obtained that salutary and Judicious Ordinance for the protection of our Just rights. Said Petition and representation produced considerable debates and turned the question to one point, that the Corporation of the city would not interfere in our controversy, and therefore the Ordinance was lost, and a question of commitment by a division of votes equal in favor of your committee and against them, but decided by the casting vote of the Recorder who presided. That your committee was ready with Ogden Edwards Esquire attorney to the Board prepared with depositions and documents to prove our rights to be well founded as grounded on the Memorial presented by your committee without reference to any party disputes, as it would not have been dignified to have laid such differences before a body not so competent to decide them as ourselves. Your committee was precluded from any explanations for the want of Commitment and consequently the city Corporation have been deceived as to the pure motives of the Trustees of the Congregation Shéérith Israel in requesting the passage of the Ordinance repealed; the more so as an expression in debate by a Member of the city Board, rather derogatory, tho' he apologized in his explanation, but not altogether satisfactory to your Committee.

New York February 14th 1813.

(Signed) BENJ^N S. JUDAH

ISAAC GOMEZ JUN^R Committee.

Thereupon, on motion of Mr. Benjamin S. Judah and seconded by Mr. Haym M. Salomon it was resolved :

That the following remonstrance be adopted and presented to the Common Council of this city, signed by our clerk in his official Capacity.

This resolution was passed after a negative vote by Isaac Gomez, Jr., and Solomon Seixas, the latter stating that he considered the proposed document as inviting insult and only tending to create schisms in the congregation to a greater extent than already existing.

Here the trustees' minutes contain a copy of the remonstrance. The following copy, however, carefully compared, is taken from the original in the file box No. 53 above mentioned :

To the Mayor, Aldermen & Commonalty of the City of New York in Common Council convened.

The Trustees of the congregation of Shéérith Israel beg leave respectfully to represent to your honorable body, that they have learnt with much regret that it has been imputed to them at your honorable board that they have imposed upon your honors by making the representations which were contained in a memorial which they caused to be presented praying for an ordinance to regulate the sale of Jews meat.

This charge when made against a religious society is of so serious a nature that the Trustees conceive that [they] would be lost not only to all sense of what they owe to their characters, but the character of the Society which they represent were they not to repel it. As it was not stated wherein the imposition consisted they have caused depositions to be taken which fully corroborate the statements contained in their petition. The Trustees feel themselves at a loss to imagine upon what ground such a charge could have been predicated. The ordinance which they prayed for was one which would add the sanction of your honorable body to protect them from impositions & one which at the same time enabled them to meet the expences attending it.

The Trustees have been informed that they have not been able to satisfy themselves from the Records of your honorable body in consequence of the Recorder having refused (Mr. Benjamin S.

Judah one of the Committee appointed by the Board of Trustees) to give his consent that they would be furnished with a copy of a remonstrance which was presented to your honorable board, that it was intended that the regulation infringed upon the rights of conscience of certain individuals. In answer to this the Trustees state that by the regulations of the Jews there may be & usually are a number of Shohets, that it is the right of the members of the congregation to employ which of them they may think proper, that individuals who complain of their rights being infringed upon have employed another Shohet as they are well informed then the one engaged by the Trustees, that its meat is exposed for sale with certain marks thereon. How then the rights of those Gentlemen are infringed upon your memorialists cannot imagine. The effect of the Ordinance simply is, that no person should make use of a seal in the manner that the Shohet of the Trustees have usually done. It is therefore merely to protect the seal and manner of sealing of the Trustees, of the constitutional Guardians of the Society, those to whom the congregation generally look up to for protection in religious customs. Far be it from the Trustees to impose shackles upon any man's conscience, and with what propriety it can be alleged by those who presented the remonstrance that their right of conscience is infringed when it appears from their own Practice that they have found a remedy for every possible inconvenience to them which would flow from the ordinance, the Trustees leave it to your honorable body to decide.

It is contended that the act was a nullity inasmuch as the meat could be marked or designated in a way other than a seal. If it was a nullity, there surely could not be any imposition in procuring it. But the Trustees would remark that altho' it would be a nullity to those who take it upon themselves to regulate their own conduct in this particular, yet that it was not so as it respected the mass of the congregation; they, as before remarked, look up to the Trustees for direction in all their religious concerns. They purchase meat sealed in a certain manner because it is so sealed by the Shohet of the congregation who is contracted with by the Trustees. They do not conceive it proper to purchase any other. And to them it is matter of serious importance the seal which has ever designated the meat which it is lawful for them to eat should be preserved from violations. If the persons opposed to the Shohet employed by the Trustees do not chuse to eat of the meat, let them employ a Shohet of their own and designate it by a particular mark of their own. But the Trustees cannot but consider it as a

grevance that the seal of the society cannot be preserved from violation, & that they cannot be protected in the exercise of a right which certainly is interesting to their consciences & to that of the society which they were elected to superintend.

It is further alledged as the Trustees have been informed that there are parties in the Congregation upon this subject. To this they would reply that the board of Trustees unanimously concurred in the resolution for presenting the memorial which was laid before your honors. That if there is any diversity of sentiment respecting the propriety of regulating the Shohet in the manner contemplated by the ordinance that it is the first time that such a difference has exised since the establishment of the congregation, as the Trustees are informed by the most antient members of it.

The Trustees have further learned with some surprise that the character of the temporary Shohet employed by the Trustees became the subject of discussion at your honorable board. Upon this subject they would remark that the suitableness of the personage to fill the office of Shohet is to be decided by a Tribunal of Bet-din of Shohetim, which in English is the house of Judgment of the Shohets. That at the head of that board is the minister of the Congregation, and that it was decided by them that the personage employed was qualified for that office. The Trustees could not imagine that your honorable body would like to take it upon themselves to decide upon this subject and therefore were not prepared to meet the circumstances. The Trustees assure your honors that a certificate obtained from so highly respectable a tribunal is sufficient to confute any disqualifying charge that may be brought against any individual obtaining it.

New York February 14th 1813.

By Order of the Board

M. GOMEZ

Clerk.

This document was duly presented, and the action of the Common Council thereon appears from the following entry in their minutes³² under date of February 15, 1813:

A Memorial of the Trustees of the Congregation of Sharith Israel explanatory of their former Memorial was read Ordered that they have leave to withdraw their Memorial.

³² *Supra*, p. 239.

The document itself was similarly endorsed:

No. 26. Memorial Trustees Sherith Israel. In Com. Council Feby 15, 1813. Resolved that petitioners have leave to withdraw their memorial.

I. MORTON
Clerk.

The memorial was not withdrawn. It is still on file. No further entry appears either in the minutes of the Common Council or of the trustees on the subject of the above ordinance. An amusing item, however, is to be found in the trustees' minutes to the effect that Jacob Abrahams, as requested by the trustees, had returned the knives and pinchers used by him as shochet, but that the former were in such a condition that it was impossible to set them for killing, and it was necessary to have them ground before they could be used, and that the latter were totally useless, having apparently been purposely broken, so that it was also necessary to repair them before they could be put into service.

After the meeting of February 14, 1813, the trustees appointed Haym M. Salomon as a committee to investigate the general conduct of Abrahams while shochet and as a member of the congregation, and to draw up his report with the aid of the Clerk. His report or its substance is not entered in the minutes. A later entry, under date of May 25, shows that Abrahams had been overpaid \$18.74 during the last year of his incumbency, and it was ordered that he be requested to return that sum within two weeks or stand suit therefor.

AN UNFAMILIAR ASPECT OF ANGLO-JEWISH HISTORY.

BY FRANK I. SCHECHTER, A. M., LL. B.

In the chapter of his "Aspects of Rabbinic Theology" devoted to "The *Zacuth* of the Fathers," my father, of blessed memory, has shown that it was thought by certain Rabbis that he who had *Zacuth* of his fathers could with less risk expose himself than any other man.

I have many times in my life had occasion to feel that the application of this Talmudic dictum has its very emphatic and decided exceptions, and never more so than in the apparently small task of the preparation of this paper for the American Jewish Historical Society. Here, in this instance, I stand, not by my own merit, but by the *Zacuth Avoth*, by the merit of the fathers. Some months ago Prof. Alexander Marx was kind enough to call to my father's attention a little pamphlet entitled "Records of My Family," by Israel Solomon, printed in New York in 1878 for private circulation. The spontaneity of these records and the unique character of the information therein contained interested my father exceedingly, and he at first thought of communicating them himself. But later on, with characteristic generosity, he turned them over to me as the basis of a paper for this Society. As you will all too soon perceive, the theme of my paper is slight, the material scanty and heterogeneous, and the method necessarily somewhat fragmentary, but my apology is that the task was there and the promise to be fulfilled.

Israel Solomon's "Records" of his family, comprising less than seventeen printed pages, are the work of a comparatively obscure brother of the late Barnet L. Solomon who was well

known in his lifetime in circles of American Jewish endeavor. As the author himself states in the dedicatory preface, the "Records" lay no claim to

any literary value, [but are] the simple narrative of family notes, [with the hope that] it will be continued in the spirit in which it is offered, and handed down from one generation to another so that in hundreds of years hence this little beginning will be of renewed interest.

That the spirit of the "Records" *has* been handed down as he desired needs no further proof than the mention of the fact that the author was related to the late Ex-Judge Myer S. Isaacs and that among those who now claim kinship with him are Prof. Abram S. Isaacs, and Lewis M. Isaacs and Solomon B. Solomon of New York, to whom I am indebted for information concerning him.

Israel Solomon was born in Falmouth, England, on August 28, 1803. With the exception of a year's sojourn in Lisbon, about 1819, when his father died, and of several years spent in Paris, he resided in England until June, 1881, when, as a hale and hearty pilgrim of seventy-eight, he sailed for New York there to spend the evening of his life with his brother, Barnet L. Solomon. He died at Cornwall-on-the-Hudson, N. Y., on September 2, 1890.¹ The reason for his failure to accompany his brother to New York in his youth, is told with characteristic candour and simplicity:

My mother died in the early part of 1832, at Bristol, to which city we came from Falmouth, and in Bristol I carried on a retail silver and jewelry trade, combined with pawnbroking. My brother Barnet was there apprenticed to the cabinet and upholstery business. After the death of my mother, we broke up our residence and business in Bristol, with the intention of emigrating to Australia, but by the advice of our cousin Benedict Joseph, we determined to go to New York and in that year, 1832, our business transactions in England were almost completed, so that my brother and the late

¹ See brief obituary in *The Jewish Messenger*, September 5, 1890.

Benedict Joseph went down to Liverpool to secure three berths on a clipper ship sailing to New York, leaving me in London to close up all business left unfinished. Upon their arrival in Liverpool, the government had issued an order that all passenger ships must have a doctor on board, and on this account the price of passage would be increased five pounds for each passenger. To save the ten pounds that would have cost them had they waited for me, they started for America without me. When I arrived at Liverpool with the intention of following them, my cousin Barnet Joseph advised me to go to Paris and become agent or commissioner for purchasing French manufactured articles to send to England. His arguments being strengthened by an acquaintance of mine, one Behrends, I followed his advice, and on the saving of ten pounds passage money, all my future depended, until I abandoned England forever in June 1881.

The above quotation and certain Portuguese reminiscences to which we shall later have occasion to refer, are all that Israel Solomon's "Records" afford us of the author himself. Furthermore, the "Records," mainly a haphazard narrative of episodes in the lives of various members of his family, a typical *Golus* family with branches in New York and Paris, in Frankfurt a. M. and London, are practically the only Jewish contribution of the author. Solomon, a man of broad general culture, with both scientific and antiquarian interests, and evidently something of a numismatist, in the last years of his life contributed several articles to *The Jewish Messenger*, but these, with one exception to be hereafter considered, dealt with purely secular topics.²

We start out with a simple little tale of courtship, a humble Jewish parallel to Deborah Read's first glimpse of her illustrious lover, Benjamin Franklin.

² Israel Solomon's signed articles in *The Jewish Messenger* were: "Anecdotes about Money" (May 16, 1884); "Notes on Medals" (June 20, 1884); "Notes on Bills of Exchange" (July 25, 1884); "Curious Kinds of Money" (October 3, 1884); "Anecdotes about Money" (November 21, 1884); "Notes on Money" (July 10, 1885); "Roman Money and Luxury" (August 13, 1886); "The Etruscans" (October 4, 1889).

My grandmother, Esther, [commence the "Records,"] was a native of London, and her maiden name was Elias. Her father was a German by birth, and nick-named, *Fine Schneider*; and, being a tailor of repute, he employed many workpeople. Esther married early in life an Alsacian by birth named Bernard Beer, who, on arriving in London, was seeking the house in which lived a townsman of Bernard Beer. The house was in the same street in which Esther resided, but Bernard was ignorant of the number of the house his friend resided in; so he knocked at hazard at the door of Elias, trusting that the inhabitant could give him the information. Esther answered the knock, and, seeing the stranger was a Jew, said to him in German, "What do you want?" He told her the reason for troubling her. The name and residence were familiar to Esther, and she stepped into the street and pointed out the house, but her delicate and kind way quite captivated Bernard, who formed within himself the hope that fortune would be favorable, so that he might become her husband. He inquired of his friend the name of the family, etc., of his charmer, and very naturally it became the dream of his existence.

The struggle of Bernard Beer for a livelihood that would assist him in obtaining the realization of this dream and the incidental light which the brief recital of this throws upon the life of the provincial English Jews in the eighteenth century have suggested to me the title for this paper—since Mr. Friedenberg insisted that it have a title—"An Unfamiliar Aspect of Anglo-Jewish History." It is a peculiar and noteworthy fact that whenever we think of post-Expulsion Anglo-Jewish history, we think of it as an aspect of English civic history rather than a phase of Jewish social history. That is to say, the history of the Jews of England in the seventeenth and following centuries, with its freedom from the degrading tendencies of a compulsory ghetto life, reads in the main merely as one small episode in the development of the drama of political and civil emancipation in that great land, with its ever increasing and renewing aspirations for democracy and liberty. The history of the Jews becomes a history of English rights rather than a history of Jewish duties. It is the victory

of emancipation, of the English naturalization act under the liberal tutelage of Pelham in 1753 and its shameful repeal in the following year; it is, almost a century later, the contest of the valiant Baron Rothschild, refusing again and again to take his oath of admission to Parliament on the "true faith of a Christian"; it is the embellishment of the baronial arms of Moses Montefiore with the motto "Jerusalem," rather than the problems of Jewish existence, the foundation and structure of Jewish communities and the solution of Jewish communal problems, that we usually recall in connection with eighteenth and nineteenth century Anglo-Jewry. And so to the student of Jewish social history, it is a distinct novelty to descend in these simple "Records" of the family of Israel Solomon from the heights of parliamentary struggle and civic conquest to the humble phases of Jewish life and sacrifice suggested rather than painted by our author.

[Bernard Beer, was by trade, we are told,] a soap boiler and wished to obtain employment at the London manufacturers, but the *Shabas* prevented his obtaining any employment unless he sacrificed his religious scruples, which he could not do and was obliged against his wishes to become a pedlar of small wares for a sustenance. He struggled on until he arrived at Falmouth; there he was hospitably received by Zender Falmouth; whose real name was Henry Moses; but in those days any Jew settling down within a town and having a certain respectability amongst Jews had the name of the town attached to his first name. Zender kept a stock of buckles, small cutlery, jewelry and watches to supply to hawkers, and gave credit to young men on certain conditions, and, where it was necessary, advanced money to obtain the hawker's license. The conditions were to return every Friday early enough to form one of the *Minyan*, and on Sunday morning square up the accounts by paying over what money he had and received fresh goods on credit. But when the hawker's license was procured, Zender insisted that his name should be quite a Jewish name, and instead of the name Bernard Beer, his name was inscribed Barnet Levy, and the family ever after became Levy instead of Beer.

In this respect Beer would have shared the commendation of Disraeli by the "Edinburgh Reviewer" of *Tancred*, who remarked:³

It is indisputably to his [Disraeli's] honor, that whilst so many persons of that blood have condescended to the smallest devices, such as the elision of vowels, or the transposition of consonants to veil the characteristic names of their families, or have dropped them altogether out of a false shame, he should without even the obligation of the religious duty have frankly avowed the fact and repudiated the notion of disgrace in this alien origin.

In the description of the final happy outcome of the quest of Bernard Beer, we catch another novel glimpse of contemporary life, Jewish and otherwise.

Bernard prospered, [writes Solomon,] and lost no time in turning towards the magnet of attraction. He went to London, called on Elias, the tailor, and told him his errand and hopes. Elias himself had no objections, if Barnet's references were respectable, etc., etc. Barnet then referred to Zender Falmouth, and as by a strange coincidence Zender was uncle to Elias' wife, a favorable answer was received from Zender, and Esther became engaged. Barnet returned to Falmouth, took a house and shop, furnished the house, and returned to London and was married. After the marriage, the time soon arrived in those days to enter the house and commence its duties, but in those days the distance from London to Falmouth was beyond three hundred miles by the mail coach. Fare was very heavy, and the cost of postchaise not to be thought of for people of moderate means. The next great travelling conveyance was Russell's wagon, an immense vehicle covered by canvas, with six heavy horses, a driver and a guard, heavily armed with blunderbusses, and who rode on a stout pony either at its side or followed behind the wagon. It took from three to four days and nearly as many nights before the wagon from London reached Falmouth. [We Americans grumble if we cannot now travel between the same points in six hours.] In the front of the wagon, space was kept before the packages and boxes for passengers, and their seats were straw and hay on which men, women, and children were placed. Such a conveyance could not suit Esther, so she rode behind her husband on what is called a

³ *The Edinburgh Review*, lxxxvi, p. 138 (1847).

pack-saddle horse, riding all the way, stopping when the day was drawing to night at any inn on the road in the village or town frequented by Jews—and in that time, down to 1830, inns where Jewish travellers rested were to be found in all the roads and towns of England.

And here we come to a passage in the “Records” which we may without flippancy respectfully refer to the Committee on Dietary Laws of the United Synagogue of America or other similar bodies which have so often discussed the problem of *Kashruth* for the travelling man:

The landlord then, especially to gain their custom, kept a cupboard or closet containing cooking utensils entirely for their use, so that they might eat *kosher*. The landlord kept the cupboard locked and guarded the key on his own person, and when a Jew used the utensils he saw to the cleaning of them, and before putting them away he wrote with chalk within the bottom of the utensil his name, day of the month, and year, with the portion from the law read on the Sabbath of that week—all in Hebrew. Some of these hotels were in the centre of populated districts, and the pedlars going the rounds of the district would congregate on a Friday evening at these hotels and stay over Saturday, and on Sunday they trudged again on their laborious rounds. They generally formed a club, and one of the number, who was licensed by the rabbi to slaughter animals, was paid by the club for one day's loss of profit from his business to get to the hotel on Friday early enough to kill animal or poultry, purchase fish, etc., and either cook or superintend it that it should be quite *kosher* by the time the brotherhood came there, and ushered in the Sabbath gladly singing hymns; and after a copious but frugal repast, some Hebrew literature or tales of the past and present were related by one or the other with all the happy freedom allowed to speech in dear old England; although these happy lovers of English soil were not allowed the perfect equality now enjoyed by their children.

The “Records” of Israel Solomon's family present many interesting points of contact with the general life and history of their respective periods. The author tells us for instance that his mother

visited London at the time the old London bridge was being taken down and the new bridge was nearly finished. I went with her to

see the two, and while regarding the structure she repeated what occurred to her mother who, when young, went with a group of young girls to see the bleeding heads on poles on the entrance to London Bridge and on the top of Temple Bar; these were the heads of leaders of the last great Scotch rebellion, and the penalty for not going to see this barbarous exhibition was to be called by the neighbors Jacobite.

Then there is an amusing story of the French relative of the author's wife who, he tells us,

was married to the brother of a rising speculator who is now one of the noted millionaires in Paris, and he married his only daughter to the Prince Polignac. They were married by the Archbishop of Paris, who made a witty play on words in his address to the young couple complimenting the bridegroom as a descendant of *Sang Pure*, and the bride of *cent per cent*.

In the house in Paris where the family of the author's wife lived

their neighbors and intimates were the family of the Halevys—at that time supplying groceries to Israelitish customers.

The father and the mother of Israel Solomon's wife were natives of Nancy, Lorraine, and

they were married in the year of the Terrorists in France, when all religious ceremonies were forbidden by the then government under severe penalties. The marriage ceremony was in a square yard of a house into which no windows looked, and it was inhabited by Jews who carefully guarded all entrances into the yard.

There are a lot of such intimate historical glimpses and titbits compressed within the seventeen pages of the "Records" and the temptation to present such gossip is great, but I shall not intrude further upon your time except to retain in permanent form whatever else there may be by our author of general and Jewish interest. Whatever this is, concerns chiefly his travelling reminiscences, mainly of Portugal, which I shall venture to supplement with a few Portuguese recollections of Israel Solomon contained in an article in *The Jewish Mes-*

senger,⁴ written almost immediately on his arrival in this country. Israel Solomon's father, a merchant, was the son of Israel Solomon, a German, born in Ehrenbreitstein-on-the-Rhine. He (Israel Solomon's father) died suddenly in Lisbon in January, 1819, but twenty-one days after his arrival from Falmouth.

I was with my father, [relate the "Records,"] and his death occurred on Friday. We had just taken a suite of rooms or a flat in a tenement house, . . . and an acquaintance from Cornwall, named Phillip Samuel, a Polish gentleman, was invited by my father to sup with us. After supper I prevailed on him to stop for the night and to accompany us the next day to the synagogue. Some time after I was in bed, I was awakened by the groans of my dying father. I called Mr. Samuel, and I left him with my father and rushed away at midnight, at which hour, at Lisbon, the streets were filled with thousands of dogs, who lived on offal and garbage thrown every night from the windows of every house. I rushed through the terrible night to the apartments of Madame Julia Delivant, an old London friend, who had taken up her residence in Lisbon, and how I reached her house is quite a mystery, what with the frightful yells and attacks of the dogs, and covered as I was with the refuse thrown from the houses. . . .

"Mr. Samuel was a native of Warsaw," the "Records" ramble on in characteristic fashion, "and his life was full of romance. He was the son of the secretary of the great synagogue there, and highly educated in Hebrew. . . . His trade was that of a silk merchant. He purchased from importers at Dantzic. Travelling in those days was done by caravan, and the Jewish trader took with him ten men, so as to say prayers three times a day. These religious observances became opposed to the activity required for commercial work, and quicker means of transit came in vogue. He then lived at Wilna, and when he was obliged to go to Dantzic in the winter, he left early in the morning in a sledge, arriving the same evening at Dantzic. For this breach of an old custom of travelling, the rabbis, so-called, who formed the travelling party of ten, excommunicated Phillip, and in spite of the *cherem*, he burst asunder these superstitious trammels, not any more to be

⁴ August 12, 1891.

observed in any country or city... He laughed at the edict, and continued on longer journeys without a retinue of followers..."

Phillip was a handsome gentleman, wearing a black beard. But, in those days, no one but Jews in European dress wore beards, and on the ship on which he was the passenger he felt so impressed with the prejudice that his beard would arouse among the Portuguese rabble that, before he left the vessel, he shaved his beard. This he afterwards regretted, because he considered that at that time so many private Jewish families of the best mercantile class resided in Lisbon, and descended from the old Jewish families who became outward Christians, observing outward ceremonies to save fortune and families from the cruel butchers of the Holy Inquisition; but in the privacy of family worship they always remained Jews until the opportunity arrived to dispose of their possessions and property, and emigrate to Holland, Germany and other countries. Phillip became acquainted with some of these secret Jewish families, and was always received by them as a friend.

In an article on the Jews of Portugal, ascribed by the editor of *The Jewish Messenger* to "an English gentleman for many years a resident of Lisbon," which is certainly the work of Israel Solomon, he says, in part:

Lisbon has been inhabited by Jewish families openly residing as Jews since the year 1810. At that time there was no regular synagogue but there were three *Minyan* rooms. A cemetery had been purchased, in which the remains of the writer's father, and a friend, a native of Poland, repose. Before the Jews had a burial ground of their own, the English factory's burial ground had a strip of land divided into three portions, one for Jews, and the others for Mohammedans and Greek Christians. . .When the Moorish Jews found that Portugal was open for them to reside publicly in the country, they flocked there; but among them unfortunately were some men of poor reputation. The old families of private Jews, who outwardly professed Catholicism, but secretly kept to the fundamental belief of Judaism, received their co-religionists with open arms, aiding the poor traders as brethren...I have vividly remembered two gentlemen with decorated orders coming one Saturday evening to the *Minyan* held in the house of Simon Cohen and throw themselves down before the ark, containing the scrolls of the law, and on their knees fervently praying. They

had come to Lisbon from the *Trases Mantes*, and there in Lisbon wished to know, where the *kippur* was held, and returned to the country, bearer of the date for the year of 1819.

Although, [he continues,] the Jews were allowed to reside freely in Portugal, the prejudices and laws against apostates prevented private Jews and their families, who had always outwardly professed Christianity from being publicly known as Jews. A fashionable hatter in Lisbon was called "Brandon the Jew," although outwardly ostentatiously a Christian. On Sunday morning I have seen him go in Portuguese fashion with his family to mass—first himself, then his wife, daughters and servant girls, one after the other in line...

My departed friend, Samuel the Pole, who lived with me for some time, was invited to spend the summer months in the country with private Jewish families, one of whom was a Justice of the Peace, and they assured Samuel that they never divulged to their children the secret of their religion until they had attained the age of reason. Many houses, including domestics, were Jewish, and in some districts the Jewish families were numerous, and a young man would often become a monk, so that he might pretend to be the confessor to families in the circuit. . . . An old friend, named Pereira, used to tell me that from a mixed marriage all trace of his being descended from a Jewish family was lost, and he received his education in France, but had a faint recollection of having seen *Tephilin*, and he was not at all a Catholic in belief, but was liable like all Catholics to fine or imprisonment, which was the consequence if any Portuguese did not annually show that he had confessed at least once a year; so a well known monk for a *Crusado* (a Portuguese coin of gold or silver) gave certificates of confessions to such persons as Pereira.

Israel Solomon closes his Portuguese recollections with the following story that may point a moral for many a Jewish grandee:

Some time before the French army invaded Spain under the first Napoleon, one of the Braganzas of the royal family of Portugal voyaged around the coasts and visited Gibraltar, where he was received with honors due to his rank. The Jewish families on the Rock were the greatest merchants and received the Prince in princely hospitality. The Prince, before leaving Gibraltar, expressed his wish to entertain them in his palace at Lisbon, but

was answered by Cardoza, the Jew, (called afterwards by the public in Lisbon "King of Jews"): "Neither I nor my friends can accept your invitation to visit Lisbon." "Why not?" said the Prince. "Because," said Cardoza, "of the indignant custom of putting on a yellow badge, and under a permit of being a Jew, allowed a few days only, if urgent commercial affairs oblige him to visit Portugal, and there a soldier by his side, wherever he goes to keep off the mob, who would stone anyone wearing the yellow badge; and the principal houses you have honored with your presence, are all Jewish." The Prince vehemently uttered his abhorrence at such indignity and the conduct of his forefathers, assuring Cardoza that if he or the most humble Jew should visit Lisbon, nevermore any such indignity would be allowed. Cardoza soon took advantage of the invitation, coming and residing in Lisbon.

And with the subsequent return of the families of Simon Cohen, Haazans, Brunan, Canqui, etc., commenced the rehabilitation of a Portuguese Jewry that could once more openly proclaim the Unity of God and the Unity of Israel.

GENEALOGICAL NOTES ON JACOB FRANKS FROM OFFICIAL RECORDS.¹

CONTRIBUTED BY SAMUEL OPPENHEIM.

I.²

ELIZABETH RAMSEY of the Parish of St. Andrews undershaft
widow aged fifty years or thereabouts and Katherine Grimes wife
of Thomas Grimes of St. Anns Westminster Millwright aged fifty
years or thereabouts do severally make Oath upon the holy
Evangelists of Almighty God to be true that they did very well
know Mr. Abraham Franks by Profession A Jew late of London
broker³ and Abigail his wife who lived in the Parish of St. James's

¹ See the genealogy by Israel Solomons in *Publications of the American Jewish Historical Society*, No. 18, pp. 213-214, which seems to be based in part on data in the case of Naphtali Franks v. Joseph Martin, and others, reported in 5 Brown's Parliamentary Cases, p. 151 *et seq.*, ed. 1784; 456 *et seq.*, ed. 1805; also the same genealogy, as given by Charles Henry Hart with some additions and descriptive matter, in *Pennsylvania Magazine for History and Biography* for April, 1910, vol. xxxiv, p. 253.

² From Liber 26 of Conveyances, p. 411, in the Register's Office, New York County, noted as "Recorded for Mr. Jacob Franks y^e 12 day of August Anno Dom 1710."

³ This man was no doubt identical with Abraham Ffrancke, one of twelve Jew brokers of London in 1697, mentioned by name in Albert M. Hyamson's "History of the Jews of England," London, 1908, p. 260, and referred to, without mention of name, by Lucien Wolf in his article in *The Jewish Chronicle*, April 16, 1897, p. 8, on "The Jew Brokers." The affidavit would indicate that when it was made both Abraham and his wife Abigail were dead, as they are described as late of London, and are spoken of in the past tense. In Daniel Lysons' "Environments of London," London, 1792-96, vol. iii, p. 466 (for reference to which thanks are due to Mr. Israel Solomons of London) we find "Abigail Franks, wife of Abraham Franks, 1695" noted as having been buried in the cemetery of the Portuguese Jews at Mile End Road, London. We can safely assume these two, whose names are mentioned in the affidavit, to have been the parents of Jacob Franks. An Abraham

Duke's place London and that they do also well know Isaac Franks Jacob Franks and Moses Franks now present whose Names are by them severally hereunder subscribed and that they are the Reputed Children of the said Abraham and Abigail Franks and were born of the body of the said Abigail Franks in St. James Dukes Place London aforesaid all which these Deponents well know (Vizt) the said Elizabeth Ramsey for that she was Midwife and laid the said Abigail Franks of the said Isaac Jacob and Moses Franks, and the said

Franks was one of the founders of the Great Synagogue (Ashkenazi) in Duke's Place in 1722. See Hyamson, *supra*, p. 243. This man living twenty-five years later than the Jew broker of 1697, and who appears to have died in 1748 or fifty-one years later, is not likely to have been the broker of 1697. In 1730 he and Isaac and Aaron Franks, all described as of London, each contributed through Jacob Franks of New York, five guineas towards the erection of the Schulchan, Banca and Hekal for the newly built Jewish synagogue in New York. See *Publications, supra*, No. 21, p. 34. Though in the early minutes of the Congregation Shearith Israel of New York, printed in *Publications, supra*, No. 21, Jacob Franks is described (p. 12) as Jacob *bar* Naphtali, yet we have him here in the official record written down as Jacob the son of Abraham. The fact that the above affidavit, which shows the name of Jacob's father to have been Abraham, was recorded by the man known in synagogue as Jacob *bar* Naphtali is significant of the probability that Jacob's father had a different secular name than the one he was known by in synagogue. There certainly were not two people named Jacob Franks prominent as merchants in New York at the period of the two documents now for the first time printed or referred to. Those documents can only refer to the one Jacob Franks we know of as prominent in New York, holding real estate and actively identified with the affairs of the Jewish community in New York. They were recorded to secure the title of Jacob Franks and his children to lands and to give them the right of naturalization under the law of that time. The suggestion is here made that the name Abraham was probably assumed by the Jew broker in London, if his synagogue name was Naphtali, as more useful for a Jew in his line of business than the foreign sounding name of Naphtali in an English use, or, as a broker, he might have been then nicknamed Abraham and retained that name as distinctive in his business. We have as to other names the

Katherine Grimes that she was Servant in the house of the said Abraham and Abigail Franks about ten years during which time the said Isaac Jacob and Moses Franks were born, and Lastly they the said Depts do depose that they have known the said Isaac Jacob and Moses Franks ever since their birth.

ELIZABETH RAMSEY

The Mark of KATHERINE X GRIMES

ISAAC FRANKS JACOB FRANKS MOSES FRANKS

Jurati Fuerunt 29^o die Mensis Marti Anno Dom̃ 1709 Coram me O Buckingham Enterd in the Custom house London the 23 Decemb. 1708 Wm. Waterson, D: Coll. 11 June 1708 Ent pr Nathaniel Fowlers.

This is a true Copy of the Original to me produced Ita post Collationem Attestor Rogatus Londini 21^o Aprilis 1709 Ed^m Johnson Not^s Pub^{cus}. 1709

instances in our own records of Moses Gomez, about this period, being known to the world as Lewis Gomez and Benjamin Mendez Pacheco as Rodrigo Pacheco. *Ibid.*, pp. 5, 7. Cf., as to probably a like substitution of first names, Naphtali to Henry, the note to "The Will of Henry Benjamin Franks," *infra*. Lysons (*supra*, pp. 481-482) also gives names, with dates of death, of many Jews buried in the cemetery belonging to the German or Dutch Jews, established in the locality of Mile End Road about 1700. Among these are Moses Franks, Esq., 1710; Abraham Franks, 1748; Philas, wife of Naphtali Franks, Esq., 1765; and Aaron Franks, Esq., 1777. The date there given for the time of the death of Moses Franks, 1710, it will be noted, is within a year after the date of the affidavit here printed, and we may safely infer that this man was the one mentioned in and who signed the affidavit. The Abraham Franks of 1748, mentioned by Lysons, is probably the one of 1722 and 1730 noted above. Mr. Solomons, in a letter to the present writer, states that in the burial register of the Portuguese synagogue in London, examined by him, is the following entry: "Sarah Frank^s asquenazi 24 Sebeth 5456"; that there are no records extant of the Ashkenazi community for the period under consideration (the Franks belonging to that congregation though originally members of the Sephardi when that was the only congregation in London), and that he had seen the tombstones of Abraham and Aaron Franks (presumably of the dead of 1748 and 1777) but only their names are legible thereon. The graves of Abigail and Sarah Franks he

II.⁴

City of New York ss.

PAUL RICHARD Esquire Mayor of the City of New York in America
To all to whom these Presents shall Come or may in any wise Con-
cern Sendeth Greeting

KNOW YE That on the Day of the Date hereof personally appeared before me Mary Clarke aged forty five Years or thereabouts the Wife of John Clarke of the said City Mariner Miriam Hart Wife of Moses Hart of the same place merchant aged Fifty four Years or thereabouts and Elizabeth Stollard of the same City widow, aged fifty six Years or thereabouts being all persons unto me well known and worthy of Good Creditt and the said Mary Clarke and Elizabeth Stollard being sworn upon the Holy Evangelists of Almighty God And the said Miriam Hart being also sworn upon the Five Books of Moses after the Manner of the Jews did then solemnly Declare Depose and Testifie in Manner & form following That is to say That for many Years past They have very well known and been well acquainted with Jacob Franks of the City aforesaid Merchant and with Abigail his Wife of the Hebrew Nation; And the said Mary Clarke and Miriam Hart upon their Oath Say That on the First day of July which was in the year One thousand Seven Hundred and Fifteen or thereabouts They were present in the city of New York aforesaid when Abigail Franks The Wife of the said Jacob Franks was delivered of a Son who soon after was named Naphtaly; And the said Miriam Hart & Elizabeth Stollard at the same time did further upon their Oath Depose declare and Testifie that afterwards to witt on the first Day of January Old Stile which was in the Year One thousand Seven hundred and Eighteen or thereabouts They were present when the said Abigail Franks in New York aforesaid was delivered of Another Son who soon after was named Moses; And, that, on the twenty third day

reports he was unable to find. Who the latter was has not been established. In addition we find in 1772 an Abraham Franks noted as a visitor in a Pennsylvania Masonic lodge. See *Publications*, *supra*, No. 19, p. 46. It is of interest here to note that there was a non-Jew in England in 1733 named Rev. Abraham Franks, D. D., Rector of Wen Dean, Wiltshire, whose death is reported in *The Gentleman's Magazine*, 1733, p. 550.

⁴ From Liber 32 of Conveyances, *supra*, p. 41, noted as "Recorded for Mr. Jacob Franks of the City of New York Merchant the fifth day of August in the year of our Lord 1735."

of September which was in the Year One thousand Seven hundred & Twenty or thereabouts, they were present when the said Abigail Franks in the same City of New York was delivered of another Son who soon after was named David; And that on the Eighth Day of December which was in the year One Thousand Seven hundred and Thirty Two or thereabouts They the Deponents were present when the said Abigail Franks in New York aforesaid was delivered of another Son who soon after was named Aaron; And that the said Naphtaly Franks Moses Franks David Franks and Aaron Franks were really and in good Truth all born within the City of New York aforesaid at the times aforesaid or thereabouts and under the Allegiance of the Crown of Great Britain; And that the said Naphtaly Franks Moses Franks David Franks and Aaron Franks are all now living as they verily Believe; And that the said Elizabeth Stollard was One of the Nurses to the said Abigail Franks at the several times She was Delivered of the aforesaid Moses Franks David Franks and Aaron Franks And I the said Mayor Do hereby further certifie That the said Naphtaly Franks is now or lately was living in London And the said David Franks now or lately was living in Boston in New England (as I have been credibly Informed) And that the said Moses Franks and Aaron Franks are now living in New York aforesaid; And that the said Jacob Franks and Abigail Franks his Wife and Family have lived several Years within the said City of New York and unto me well known and have had several Children born within the said City; And that said Naphtaly Franks Moses Franks David Franks and Aaron Franks four of their Children have always been Deemed Esteemed Reputed and taken to be natural-born Subjects of the Crown of Great Britain born in the City of New York aforesaid

In Faith and Testimony of the Truth whereof I the said Mayor have hereunto subscribed my name and caused the Seal of the said City of New York to be Put and affixed the Fifth Day of August in the Ninth Year of the Reign of our Sovereign Lord George (the Second) by the Grace of God King of Great Britain France and Ireland Defender of the Faith and so forth and in the Year of Our Lord One thousand seven hundred and Thirty Five.

(Seal)

PAUL RICHARD,

P^r Order of the Mayor

Will Sharpas Cl.^s

⁵ For other children of Jacob Franks, see *Publications, supra*. No. 18, p. 121. As to his daughter Richa, see *ibid.*, No. 22, p. 39

et seq. The reference, *ibid.*, p. 39, to the grant of administration on the estate of Jacob Franks to her and John Harris Cruger, is based on the MS. volume in the Surrogate's office, New York County, marked "Letters of Administration 4 $\frac{1}{2}$, 1759-1774," *sub dato* January 31, 1769, and on "Collections of the New York Historical Society," 1908, Abstract of Wills, vol. vii, p. 467, where the first name is printed Rachel instead of Richa. As to Naphtali Franks, son of Jacob, mentioned in the affidavit as of London in 1735, see, in addition to Franks *v.* Martin, *supra*, *Transactions of the Jewish Historical Society of England*, vol. vi, p. 126, and Charles H. L. Emanuel, "A Century and A Half of Jewish History," London, 1910, p. 4.

THE PHYLACTERIES FOUND AT PITTSFIELD, MASS.

BY LEE M. FRIEDMAN, A. B., LL. B.

Ever since the publication in 1650 of Thorowgood's "Jewes in America" claiming that the lost tribes of Israel had been found in the American Indians, this idea secured a deep and widespread hold on the Puritan imagination. Confirmation of this theory was found in texts of the Bible itself, and in the alleged similarity in appearance of the Indians and of the Jews; others found convincing proof in what they recognized as Hebrew words and sounds in the Indian language, while still others recognized Jewish traditions and religious customs reproduced in certain Indian legends and observances. As early as 1652, Sir Hamon l'Estrange published his answer to Thorowgood in "Americans No Jewes," denying and answering these claims. In the way of all religious controversies of that age, each side produced arguments which completely satisfied itself and only spurred the opposition to fresh efforts as unconvinced as ever. The following one hundred and fifty years saw a whole literature of this debate grow up around this subject which still finds its sporadic repetition even to-day.

Pittsfield, beautifully located in the heart of the Berkshires, was originally a sparsely settled Indian village of the Mohegans. In the early years of the eighteenth century, white settlers from Massachusetts cities and towns began to come to this region.

As early as 1753, the Great and General Court of Massachusetts incorporated the settlers as "The Proprietors of the Settling lots in the Township of Poonstoosuck." In 1761, the town of Pittsfield was incorporated, named after the great Commoner, William Pitt.

Captain Joseph Merrick settled in Pittsfield about 1800, having removed from Westfield, and became the innkeeper of its chief hostelry. He owned a farm and garden a little out of the center of the village at the south end of Onota Lake on which was "Indian Hill" more recently called "Fort Hill." On Indian Hill had been the old fort established in 1754, for the protection of the early settlers from the French and Indians.

While ploughing, in the summer of 1815, on Indian Hill, Captain Merrick turned up with his plough what proved to be a phylactery. Elkanah Watson, one of Pittsfield's distinguished pioneers, gives the following contemporary account of the discovery:¹

Pittsfield, November 10, 1815.

To Hugh Williamson.

Dear Sir:

In conformity with your request to ascertain all the facts in relation to the interesting discovery of a Jewish phylactery, in this village, in June last, I reply. It was ploughed up in the yard of Mr. Joseph Merrick, a respectable inhabitant who resides on the borders of the village, in the midst of rubbish, and lying some inches below the surface.

Immediately on hearing the rumor of the discovery, I repaired to the house of Mr. Merrick, where I found several clergymen, whose curiosity was greatly excited by the strange incident, and who believed with me that the article must have found its way into this recent wilderness, by the agency of some of the descendants of Israel.

Having previously read with intense interest on the subject and being impressed with the belief that the Indians of America were descended from the lost tribes of Israel; and that they had been directed by the same Almighty hand, which had brought them out of the land of Egypt, to continue their journeyings in a north-eastern course, probably for many ages, and finally to reach this continent at Behring's Strait; yet retaining some knowledge of the arts and sciences, and always adhering to the rites of the Jewish religion. After reaching this continent, and the lapse of

¹ "Men and Times of the Revolution, or Memoirs of Elkanah Watson," New York, 1856, p. 388.

many years, and probably ages, some portions inclined to rest in the northern region, but most pursued a southern course, spreading in all directions, even to the southern extremity of South America, and north to the polar regions; and thus peopling the whole surface of both Americas, more or less densely, according to the varied climates. Those in the extreme north and south, becoming the most savage, as in the milder regions they have been found the most civilized, and in possession of arts and sciences, especially in the City of Mexico and Peru.

It is not my purpose to write a treatise on this important subject, but merely to skim the surface, in the view of accounting in some measure for this very interesting discovery. I think it must have originated from these sources. It is well known, even from Sacred Writ, that the Jews held their phylacteries, with the precious scroll enclosed, in religious reverence. This discovery forms another link in the evidence by which our Indians are identified with the ancient Jews, who were scattered upon the face of the globe, and to this day remain a living monument, to verify and establish the eternal truths of Scripture.

On comparing this phylactery with those described in the Old Testament, I found an exact conformity. I will explain it in my own way. They are described in Scripture as composed of five folds of raw hide or leather, sewed compactly together by the entrails of animals. In order to understand the appearance of this discovery, imagine five pieces of leather or raw hide, or some composition similar to India rubber, and capable of resisting the ravages of time and exposure, cut into squares of two inches, sewed together with entrails. Suppose, also a hole in the center, half an inch in diameter made to admit a tube two and a half inches long with eyelet holes at the corners to receive strings—and you will have an idea of the article.

This tube, as described by Mr. Merrick, was of such a hard, spongy substance that it was with great difficulty he could gain an opening at one of the sloping ends, and seemed absolutely impervious to moisture, for although the surface was incrustated in a manner to evince its having been probably exposed for many ages, yet I drew out from the tube three or four scrolls of parchment, which it contained when found, and inscribed with texts of Scripture, written in Hebrew in an elegant manner, and the ink of a beautiful jet black. The parchment, writing, ink, were all perfectly fresh.

Very respectfully,

E. WATSON.

Contemporary local tradition reported that these were the relics of early Jewish settlers in Pittsfield. It was said that a Jew from Germany was known to have resided in Pittsfield and probably lost them.²

Rev. Ethan Smith, pastor of the Congregational Church of Poultney, Vermont, in 1823 published his "View of the Hebrews" supporting the contention that the Indians were the Ten Lost Tribes. On the publication of this volume President Griffin of Williams College called his attention to this discovery of the phylacteries in Pittsfield, and the Rev. gentleman immediately undertook an investigation to use this find as further evidence to support his contention. He made a journey to Pittsfield. He interviewed "different aged people" and convinced himself that "no Jew was ever known in Pittsfield." He got an account of the discovery from Captain Merrick himself. He tried to see the phylacteries and found that they had been deposited with the American Anti-quarian Society at Worcester,³ but they had been misplaced as they could not be located. Thereupon being convinced that they were Indian in their origin, he found that these phylacteries were a convincing proof of the Hebraic origin of the Indian and inserted the story of their discovery as an unanswerable argument to support his views in the second edition of his "View of the Hebrews."

I have made a diligent search to see if we could identify any of the early settlers of Pittsfield as Jews.

² Ethan Smith, "View of the Hebrews," 2d ed., 1825, p. 213 *et seq.*

³ Isaiah Thomas, the founder of the society and its president, reported to Rev. Ethan Smith that "among the many boxes of articles he knew not where to look for it." The present librarian writes, "I rather think that we have the phylactery in question, at least we have a sheet of old vellum upon which are written two columns of Hebrew script, surrounded by an ornamental design and border colored by hand. The sheet of vellum is about 10 x 7, and in its present state is closely rolled."

Situated on the Mohawk trail, the main colonial thoroughfare of western Massachusetts, not over two days' travel from Albany, and a trading center of a prosperous growing agricultural district, it would not be surprising to find enterprising Jewish traders visiting or settled there at an early date. We fail, however, to substantiate the traditions from the early records.

The name of Isaac Isaacs appears on the Pittsfield military rolls as in service in 1780-1781, and it has been suggested that he may have been a Jew. There is nothing to substantiate this, and I am more inclined to believe that he belonged to the well-known Connecticut family of that name which was early settled in Greenwich, Stamford, and Norwalk.

But whether lost by an early settler or dropped by some pioneer traveller, the finding of the phylacteries at Pittsfield affords only another indication of the ubiquity of the Jew in early colonial America.

WILL OF NATHAN SIMSON, A JEWISH MERCHANT
IN NEW YORK BEFORE 1722, AND GENEALOGI-
CAL NOTE CONCERNING HIM AND JOSEPH
SIMSON.

CONTRIBUTED BY SAMUEL OPPENHEIM.

Nathan Simson, according to MS. records, was a prominent Jewish merchant in New York between 1706 and 1722. In the latter year he is noted in those records as having gone to London to reside. His death is likewise noted as having occurred before 1726. The date must have been between August 3, 1725, the date of his will, and October 24, 1725, the date of its probate. In 1719 he was named as one of the executors of the will of Samuel Levy¹ and the MS. records show him as having acted in that capacity in litigations involving the estate and also in litigations of his own. Simson was elected constable of the South Ward, New York, September 29, and sworn in October 14, 1718. Levy was also elected and sworn as constable of the North Ward at the same time.²

Simson was an uncle of Joseph Simson,³ the grandfather of Sampson Simson, the founder of Mount Sinai Hospital. His will is recorded in Somerset House, London,⁴ and reads substantially as follows:

¹ In the abstract of Levy's will in *Publications of the American Jewish Historical Society*, No. 23, p. 150, the name appears as Matthew Simson. The full record in the Surrogate's Office in New York County gives the name correctly as Nathan Simson.

² "Minutes of the Common Council of the City of New York," vol. iii, pp. 181, 186.

³ Liber 36 of Conveyances, p. 50, in the Register's Office, New York County.

⁴ Rubric P. C. C., 220 Romney.

In the name of God.....3 Aug. 1725...

I NATHAN SIMSON of the parish of Saint Dunstons in the East London, Merchant.....

I direct and appoint my Executors hereinafter named to expend the Sume of fifty pounds out of my Estate for a Tombstone to be placed on my Grave.

To my Eldest Sister GRACE PLONT, widow of SAMUEL PLONT "late of the City of Bun the resident of the Elector of Collogn near the Rhine in Germany," merchant, deceased, one Annuity of Ten pounds, during the term of her naturall life, and after her decease I bequeath the same unto my present Wife DYFIE SIMSONS poorest Relations, to be distributed and paid to them proportionably share and share alike.

To my Sister ROSE KISER, wife of MIERO KISER of Amsterdam in Holland, Merchant, one Annuity of Ten pounds during the term of her naturall life and after her decease unto my present wife DYFIE SIMSONS poorest relations to be distributed and paid to them proportionably, share and share alike.

To my Wife DYFIE SIMSON, all the Interest mony which from time to time, from and after my decease shall arise or become due out of the South Sea Stock I am intituled to from the South Sea Company of Great Britain (and which shall at any time hereafter be placed out in any other Governmental Security or Securitys of Great Britain) by my said Executors hereinafter named, To hold to her for and during the term of her naturall life.....And I appoint that after my said Wife DYFIE SIMSONS decease, All the moneys in Stock or Stocks then placed out and remaining in Governmental Security shall so continue in the Government of Great Britain and the Interest thereof Annually to be applyed and disposed of to the Severall uses and purposes hereinafter mentioned (that is to say) One half years Interest or Net produce I devise and appoint to one poor Relation of mine, either Male or Female for a portion in the way of Marriage and putting him or her in the World, and the direct Management thereof to be left to the discretion of my Executors hereinafter named and the other half years Interest I give and appoint to one poor Relation of my said wives, either Male or Female for a portion in the way of Marriage and putting him or her out in the World, the Management thereof also to be left to the discretion of my said Executors hereinafter named. And I do hereby order That all the Interest arising Annually from such Governmental Security or Securitys

as aforesaid from and after my Wife DYFIE SIMSONS decease shall be applyed and continued to be paid yearly for the purpose aforesaid (that is to say) One half part of the Interest to be given to a poor Relation of mine and the other half years Interest to be given to a poor Relation of my said Wives.....And my Will also is That if my own and said Wives Relations shall happen to be extinct Then and in such case from that time Every years Interest shall be disposed of yearly to two poor Orphans either Male or Female as in manner as to my own and Wives Relations aforesaid.....

Whereas I am possessed and intituled to a Seat in the Great Synagogue of the High German Jewes in Amsterdam in Holland, my will is that my Brother in Law MIERE KISER may have the liberty of Setting here at all Suitable and Seasonable times of Service after my decease, if my Sister, ROSE KISER shall be then living....my said Brother in law constantly paying five Guilders annually to the Elders thereof for the use of the said Synagogue, according to their law and custom and which hath been by me hitherto done....And after my said Sister ROSE KISERS decease, my Executors hereinafter named to permit and suffer my nearest relation at Amsterdam to sett therein at pleasure. . . .And if no Relation shall be resident there I order my said Executors hereinafter named to Let the said seat in the said Synagogue for the best advantage and the money arising thereby (after the five Guilders annually paid as aforesaid) to be distributed yearly to the poor for ever.

RESIDUARY LEGATEE. My wife DYFIE SIMSON and unto her heires and assigns for ever.

EXECUTORS. My wife DYFIE SIMSON and BENJAMIN ISAAC of the City of London, Merchant, my nephew ISAAC LEVY of the said city of London, Merchant and HENRY ISAAC of the said City of London, Merchant. And I do request the aforesaid gentlemen to take the care upon them as Trustees or Overseers as well as Executors.

WITNESSES: J. STEVENS, MANUEL CORTINO, THO. HUETT Attorn near the Navy Office London.

PROVED 24 October 1725, by DYFIE SIMSON, widow and relict & Henry ISAAC, power reserved to ISAAC LEVY and BENJAMIN ISAAC.

PROVED 3 Nov. 1725 by ISAAC LEVY, one of the executors, power reserved to BENJAMIN ISAAC.

Jacob Franks, of the City of New York, merchant, Miriam Levy, widow of Samuel Levy, Frances Simson, Widow of Samuel Simson, being of the Jewish Religion and duly sworn upon the five Books of Moses, Declare that Joseph Simson, now living in the city of New York, merchant, is the nephew of Nathan Simson, late of New York, merchant, deceased, who died in England, the said Nathan Simson his sister Sarah being the mother of the said Joseph Simson, and to the best of their knowledge and belief that in the Year One Thousand seven hundred and Eighteen, he the said Joseph Simson came over to this City with his said Uncle Nathan Simson from London, and lived with him after his arrival in this City about one year and a half, and that in the year One Thousand Seven hundred and Twenty two said Joseph Simson Married Rebekah Isaacs by whom he had severall children, Two sons and a Daughter (to witt) Samson Simson, Sarah Simson, and Solomon Simson, which said Sarah Simson is intermarried with Raphael Jacobs of the said city of New York, Merchant, on which intermarriage the said Sarah did receive her part and proportion of the estate of the said Nathan Simson, given in and by his Last Will and Testament, and that the said Sarah hath now issue living, by the said Raphael Jacobs Four children (to witt) Benjamin Jacobs, Joseph Jacobs, Abraham Jacobs, and Judith Jacobs, and that in the year One thousand Seven hundred and Fourty-four, Frances Simson who was the wife of Samuel Simson, the said Joseph Simson's Brother, with Richa Simson her Daughter by the said Samuel Simson, arrived in this City from Holland, the said Joseph Simson having sent for them, she the said Frances being a Widow, and the said Richa an Orphan, which said Richa is now living in this City and married to David Jacob Levy of the said City of New York, Merchant, and that the Deponents do believe this Relation to be Strictly True and further say not.⁵

JACOB FRANKS,
MIRIAM LEVY,
her
FRANCES X SIMSON.
mark

⁵ Liber 36, *supra*, noted as "Recorded for and at the request of Mr. Joseph Simson Merchant of the City of New York this 12th day of January Anno dom 1762." See *Publications, supra*, No. 10, p. 109 *et seq.*

New York December ye 29th 1761.

Sworn Before Me, John Cruger, Mayor.

City of New York, ss:

I, John Cruger Esqr: Mayor of the said City, Do by these presents Certify, Declare, and make known to all persons, whom it may Concern that on the Day of the date hereof, the Three Several Depositions of Jacob Franks, Miriam Levy and Frances Simson, all of this City, hereunto annexed and to which they have severally subscribed their names were in due form of law taken and sworn to before me on their several Corporall Oaths, which I at this day administered to them, (on the five Books of Moses) they being of the Jewish nation.

In testimony Whereof I have to the said Depositions as also to these presents, set my hand and caused my seal of office of Mayoralty of the said City of New York to be affixed in New York (in America) this Twenty ninth day of December in the second year of the Reign of Our Sovereign Lord George the Third King of Great Britain &c. Annoq. Dom. 1761.

By order of the Mayor

JOHN CRUGER

Aug. V. Cortlandt

[Seal of Mayoralty.]^o

C Clerk.

^o For data as to those mentioned above other than Joseph Simson, see index to this volume, and *Publications, supra*, No. 3, p. 6; No. 6, p. 102; No. 18, p. 106; No. 20, p. 163; index to No. 21; and index volume; also Surrogate's Office, New York County, Libers 7, p. 76; 29, p. 55; 41, p. 87; 52, p. 311; 119, p. 455; and J. A. Stevens, "Colonial Records of Chamber of Commerce of the State of New York," with "Biographical Sketches," bound in.

UNEQUAL RELIGIOUS RIGHTS IN MARYLAND SINCE 1776.

BY BENJAMIN H. HARTOGENSIS, A. B.

The story of the early Jewish settlers of Maryland, and of their progress in achieving some civil and religious rights, has been written by Prof. J. H. Hollander.¹ However, his account only goes up to the year of the Declaration of Independence of the United States.

The present treatment of the struggle for equal civil and religious rights in Maryland begins where Prof. Hollander's ends. In 1776 all persons who professed Christianity, except Quakers, were entitled to the equal protection of the laws of Maryland; others were not. The latter have not to this day been fully emancipated. Nevertheless, progress toward equal rights before the law has surely been made.

The Declaration of Independence proclaimed as a self-evident truth that all men are created equal, and Article VI of the Federal Constitution prescribes that

No religious test shall ever be required as a qualification to any public office or public trust under the United States.

The first amendment thereto adds that

Congress shall make no law respecting the establishment of religion or prohibiting the free exercise thereof.

¹ "Some Unpublished Material relating to Dr. Jacob Lumbrozo, of Maryland," in *Publications of the American Jewish Historical Society*, No. 1, p. 25 *et seq.*; "The Civil Status of the Jews in Maryland, 1634-1776," *ibid.*, No. 2, p. 33 *et seq.* See, also, "Some Unpublished Material relating to the Civil Disabilities of the Jews in Maryland," read by Prof. Hollander at the fourth annual meeting of the American Jewish Historical Society, Philadelphia, 1896, *ibid.*, No. 5, p. v, which remains unpublished. I have omitted herein the history of the fight for the passage of the Jew Bill because of these earlier papers.

These organic laws were confirmed in the preamble called the Declaration of Rights of the Maryland constitution, and in the body of the several constitutions adopted in Maryland since the Revolution.² The Constitution of the United States "and the Laws made or which shall be made in pursuance thereof" were in apt terms enacted as the supreme law of the State of Maryland, but the spirit has yet to dominate the local law. Despite a very liberal Declaration of Rights, preceding Maryland's first constitution (1776),³ the following unequal civil and religious rights then affected Jews:

1. The legislature might lay a tax to support the Christian religion.

2. The oath of office was to be administered only after the applicant had subscribed to a declaration of his belief in the Christian religion.

3. For expressing disbelief in the Trinity, capital punishment, branding of the forehead and boring of the tongue of the offender were penalties.

4. For labor on the Lord's day founded in honor of Christ, and commonly called Sunday, penalties were prescribed.

5. Jews were under marked disabilities as jurors and as witnesses.

6. Marriage by a rabbi was not clearly licensed in fitting terms.

² Maryland did not enter the Confederation until 1781, but ratified the Federal Constitution, April 28, 1788, and thus entered the Federal Union at an early date.

³ "We, the people of the State of Maryland, grateful to Almighty God for our civil and religious liberty," etc. Preamble to first Declaration of Rights, 1776. Article II of the Declaration of Rights, cited and approved in many decisions of the Maryland Court of Appeals reads: "The Constitution of the United States and the laws made or which shall be made in pursuance thereof and all treaties made . . . are and shall be the supreme law of the state and the judges of this state and all the people of this state are and shall be bound thereby, anything in the constitution or the law of this state to the contrary notwithstanding."

THE FIGHT FOR RIGHT TO HOLD PUBLIC OFFICE.

In 1797 a determined effort was begun by Solomon Etting,⁴ and his father-in-law, Barnard Gratz, late of Philadelphia, to make it possible for the Jews of Maryland to hold public office under the state law without first declaring a belief in the Christian religion. A bill drafted originally for that purpose by William Pinkney,⁵ and called the Jew Bill, was championed, session after session at great sacrifice and even at the cost of defeat for office, by Thomas Kennedy of Washington County. The fight for Jewish civil rights began in earnest in 1818.⁶

⁴The Etting family had been conspicuous in local history and communal activity. Reuben Etting in 1798 had been Captain of the Monumental Blues, and he and other Jews had fought with distinction in the defense of Baltimore City, September 12, 1814. Of Solomon Etting it is written: "His interest in public affairs was keen and sustained; his intercourse and friendship with persons engaged in public life large and intimate, and his concern for the full emancipation of the Jews of Maryland intense. He was the author of the successive petitions for relief and the proposed constitutional amendments that besieged every session of the General Assembly from 1816 to 1826. He was the moving spirit of the sharp legislative struggle that followed each effort and it was his personal friends, largely out of respect for him who led the successive contests." J. H. Hollander, "Maryland," in "The Jewish Encyclopedia," vol. viii, p. 361.

⁵In an address to the General Assembly, January 10, 1823, on "Civil Rights and Religious Privileges," Kennedy ascribed the Jew Bill to William Pinkney, then already dead.

⁶The fight on the Jew Bill began under the leadership of Kennedy at the December session, 1818. Brackenridge read from Madison's Memorial to the Virginia Legislature on the test law of Virginia, from Judge Tucker's "Notes on Blackstone"; and referred to *Niles' Register*, vol. xii, p. 295. Kennedy followed, saying: "The constitution of the United States has guaranteed to every American citizen the right of worshipping God in the manner he deems most acceptable to him, and this right is violated

The bill was finally enacted into law on February 26, 1825, the last day of the session, by a vote in the House of Delegates

whenever the citizen is made to feel the consequence of his opinion, either by direct bodily inflictions or by disqualifications.

"The test . . . holds out the reward of office and dignities for conversion or denounces the punishments of partial degradation in the common belief of citizenship, while they persist in their unbelief. Can it be possible that in this enlightened age and country, we have not renounced the impious practice of propagating religion by the sword? Let us substitute the only real test of the qualifications for public office; that of public and private worth, character and reputation. For my own part, I would rather have my name recorded among the supporters of this bill, than be raised to the highest office in the state.

"In Baltimore city there are Jewish families who in point of respectability and worth are inferior to none; who are known only as different from the Christians in their religious tenets; who are educated in the same schools with our youth and like them glory in being Americans and freemen." This referred apparently to the Ettings and the Cohens. He mentioned the "American Orator," a school text-book, containing speeches by champions of universal toleration, and gave instances of Jews in the military schools. He may have referred to Simon M. Levy, the hero of Maumee Rapids, who was one of two in the first class sent by Maryland to the Military Academy at West Point. Appended to the published report of the speeches are strong and informing editorial utterances, denouncing such intolerance as had up till then been shown by Maryland, taken from the following newspapers: *Independent Press*, Natchez, Miss.; *Virginia Republican*, Danville, Va.; *Southern Patriot*, Charleston, S. C.; *Genius of Liberty*, Winchester, Va.; *Freeman's Journal*, *Aurora*, and *Franklin Gazette*, Philadelphia, Pa.; *Eagle*, Shepherdstown, Va.; and *Maryland Censor*. In addition, there are extracts from letters of Thomas Jefferson, dated May 27, John Adams, July 31, and James Madison, May 15, 1818. See "Sketch of the Proceedings in the Legislature of Maryland, December Session, of what is commonly called the Jew Bill, containing the report of the Committee appointed by the House of Delegates to consider the justice and expediency of extending to those persons professing the Jewish religion the same privileges that are enjoyed by the Christians, together with the bills reported to the Committee and the speeches of

of 26 to 25, the remainder of the 80 members being absent; at the next session, on January 5, 1826, "the Act for the

Thomas Kennedy, Esq., of Washington County, and H. M. Brackenridge, Esq., of Baltimore City," Baltimore, 1819, a copy of which is in the collections of the American Jewish Historical Society; Governor Worthington's speech on the Maryland Test Act of 1824, and the speech of Thomas Kennedy in the Legislature of Maryland, January 10, 1823, "Civil Rights and Religious Privileges," on an act to extend to all citizens of Maryland the same civil and religious privileges that are enjoyed under the constitution of the United States. Kennedy closed with the words: "Even on a dying pillow, it will comfort us to think that we have done at least one good act in our lives, that we have been instrumental in establishing religious freedom in Maryland, that we have broken the yoke of superstition and prejudice, and let the oppressed go free, and that we have caused happiness to many an anxious heart." Among other notable speeches on the Jew Bill is one by John S. Tyson. Other champions of equal civil rights were John V. L. MacMahon, E. S. Thomas, General Winder, and Colonel W. G. D. Worthington. Scharf, "History of Maryland," Baltimore, 1879, vol. iii, p. 152. A notable unsigned memorial was presented by some citizens to the Assembly of 1825, praying for the passage of the bill of 1823. It makes no mention of the Jews. "Their voice is not raised in favor, but in opposition to exclusive privilege; they ask an equality of rights with their fellow citizens. If the disqualifications under which they live were imposed as the penalty of law for civil delinquencies, of social intemperance or a disregard of the obligations of religion, they would blush to murmur; but it is, they humbly apprehend, the retribution of a too honest perseverance in conscientious faith, unmindful of political disqualifications, of social inconvenience and of individual contumely, and this same manly and virtuous constancy, which exerted in the cause of their country, would entitle them to be honored as patriots, exposes them to proscription, when exercised in the service of the acknowledged God." Kennedy was roundly denounced on his return home from the legislature of 1818 and called Judas Iscariot, and "one-half Jew and the other half, not Christian." However, he was reelected to the two succeeding sessions of the General Assembly, but in 1821 he was defeated largely because of his continuing his ardent fight for religious liberty and because of Kennedy's "Jew Baby" and "Jew Bantling." Of the 40 members of the General Assembly

Relief of the Jews of Maryland being the Act passed at the December session of the Assembly of 1824," was finally confirmed.⁷ It was not as broad, liberal and just a measure as Kennedy's plan looking to the abolition of all sectarian tests for office-holding, but a compromise bill.

Thereafter, and even now, every Jew elected to or appointed to office, was compelled to subscribe to a belief in a future state of rewards and punishment.⁸ Citizens unwilling to avow a belief in Christianity, or being Jews, were unwilling to subscribe to a belief in a hereafter; non-conforming Christians

of 1822, who voted for the Jew Bill, 16 were defeated. Kennedy was again defeated at the election of 1823. For a sketch of Kennedy see *Jewish Comment*, January 9, 1914. This was written by Clara Riley, who won the prize offered by I. S. Kahn of Hagerstown, Md., through the Washington County Historical Society.

⁷ Act of 29th January, 1823 entitled "A bill to extend to all citizens of Maryland, the same civil and religious rights and religious privileges that are enjoyed under the constitution of the United States."

⁸ The Declaration of Rights preceding the present constitution of 1867 of Maryland prescribed: "That no religious test ought ever be required as a qualification for any office of profit or trust in this State other than a declaration in the existence of God; nor shall the Legislature prescribe any other oath of office than the oath prescribed by this Constitution." Nevertheless it will be noted that until the present day the Code of Maryland, Public General Laws, Article LXX, §9, prescribes that the oath of office must be preceded by a declaration of belief in the Christian religion, and if the officer professes to be a Jew, he must declare his belief in a future state of rewards and punishments. True liberty requires that there be recognition of no religion. In the District of Columbia, which until 1791 was largely a part of the State of Maryland, the oath of office as used on printed forms is on the "Holy Evangely of Almighty God," although Jews are not prejudiced thereby or disqualified from taking an oath binding on their consciences. Forms of affidavits with Christological references, *e. g.*, "Upon the Holy Evangel," continue in general use in Maryland and were, likewise until recently, generally used in the District. The words could be deleted by Jews and other dissenters, however.

and Jews, unwilling to submit or subscribe to the test, deists (like Thomas Jefferson), atheists, Pantheists, Moslems, Buddhists, and Brahmins were excluded from office. This is still the law of Maryland.

Immediately after the enactment of the Jew Bill into law, Solomon Etting and Jacob I. Cohen were elected members of the City Council of Baltimore, and subsequently the latter was elected president of the First Branch thereof. The change in public opinion was largely due to the influence of Cohen, the Ettings and their families.

The trend of public opinion and the breadth of view of the members of the legislature may be gauged by the defeat in one house of the charter for the Baltimore Hebrew Congregation in 1829. A bill had been introduced by Delegate H. Hunt to grant a special charter to Nidche Israel (Scattered of Israel) Congregation, *i. e.*, to incorporate the Baltimore Hebrew Congregation. On its second reading, February 6, 1830, the bill was rejected. However, the vote was reconsidered, and the bill, after this narrow escape from defeat, finally passed both houses. No debate on the bill, either at the time of its defeat or at the reconsideration of the vote killing the bill has been reported.⁹ The Jewish population of Baltimore City was only 150 at this time.¹⁰

PENALTIES FOR DENYING CHRIST.

It will be remembered that the mere denial of the divinity of Jesus brought on the trial for blasphemy of "ye Jew Doctor" Lumbrozo in the newly-founded colony of Maryland. His

⁹ In December, 1827, Hunt presented to the House of Representatives a Memorial of "sundry citizens of the City of Baltimore praying that they may incorporate under the name and style of the scattered Israelites for the purpose of building a Synagogue," "History of the Baltimore Hebrew Congregation," by Rev. Dr. A. Guttmacher, Baltimore, 1905.

¹⁰ In 1825 Solomon Etting computed the number of Jews in Baltimore at 150, *ibid.*, p. 21. In the state he estimated there were 150 more; see Scharf, *supra*, p. 153.

trial in 1658 followed hard on the Edict of Toleration of 1649 by which Lord Baltimore made himself famous for all time; but that instrument expressly excluded Quakers, while Jews were not to share in its benefits. However, Lumbrozo was freed from a possible hanging only by the general amnesty proclaimed in honor of the succession to the Lord Protectorship of Richard Cromwell.¹¹

In 1776 the statute against blasphemy of 1715, reënacted in 1723, was in force, and it remained unchanged until 1819. At this time two of the penalties, boring of the tongue and branding of the forehead, were stricken out by legislative enactment, Kennedy having called attention to them in his great speech on the Jew Bill at the session of 1818. Hanging, the extreme penalty, was never expressly abolished by statute.¹² Under the present statute

to blaspheme or curse God, or to utter profane words of or concerning our Saviour, Jesus or the Trinity

is an offense against the dignity and majesty of the law of Maryland, the penalty for this crime being \$100. It may be noted that the law of 1723 governing blasphemy established

¹¹ See the Edict of Toleration of Maryland; note 1, *supra*; "The Jewish Encyclopedia," *supra*.

¹² By the Act of 1723 of the General Assembly of Maryland it is prescribed: "That if any person shall hereafter, by writing or speaking, blaspheme God or deny our Saviour to be the Son of God or shall deny the Holy Trinity . . . or the Godhead of any of the Three persons . . . or shall utter any profane words concerning the Holy Trinity or any persons thereof . . . [he] shall, for the first offense, be bored through the Tongue; on second offense stigmatized by burning in the forehead with the letter B . . . for the third offense, shall suffer death without benefit of the Clergy." The original Act of 1715 on which this was founded refers to adultery and fornication, to blasphemers, and to abjuration on the oath of a Christian. The Act of 1723 was repealed by Act of Assembly passed January 11, 1820. By the Codes of 1859 and 1860 this definition appears: "Blasphemy of or uttering any profane words of and concerning our Saviour Jesus Christ or of

as its corollary the equally obsolete Sunday law of to-day, so that, according to Judge Chambers of the Maryland Court of Appeals, by failing to observe its provisions as to the observance of the Lord's day, one actually blasphemes the head of the Christian Church, in whose honor the Lord's day is set apart.¹³

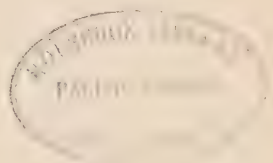
DISABILITY OF JEWS AS WITNESSES AND JURORS.

By the Act of 1717, in force at the time of the Revolutionary War, the testimony of a negro was not admissible in evidence in any cause before a court or magistrate wherein a "Christian" white person was concerned. This clearly militated against Jews. Through the efforts of John P. Kennedy, at the instance of Dr. Joshua I. Cohen,¹⁴ the Assembly by Act of January 23, 1847, remedied the discrimination by omitting the word "Christian" from the text. The rules of evidence in the codes of law subsequently adopted omit all reference to the disqualification.

and concerning the Trinity . . . to be fined \$100 or jailed 6 months." See present statute in substantially same words, Annotated Code of Maryland, 1914, Article XXVII, §21. The Declaration of Rights in the French Revolution provided: "No one shall be disquieted on account of his opinions religious or otherwise, provided their manifestation does not disturb the public order established by law."

¹³ A proper statute would allow equal rights to all creeds, with special privileges and exception to none, even the creedless, and in order not to have special legislation in the interest of any church and yet to prevent breaches of the peace for using language disrespectful to any person or thing sanctified by any church or religious organization in a manner calculated to arouse any of its communicants, would reënact the Third Commandment of the Decalogue in modern phraseology.

¹⁴ Dr. Joshua I. Cohen attended the Constitutional Conventions of 1850 and 1867 for the purpose of securing the elimination of all discriminations for religious beliefs and practices from that instrument.



Maryland law-makers have ever deemed it a duty to care solicitously for the religious beliefs of their fellow-citizens but only in grandiloquent terms. Beginning with the Declaration of Rights in the state constitution of 1776,³³ and in each succeeding one, the people of Maryland are enjoined to worship God. At first the legislature had the power in their discretion to lay a general and equal tax for the support of the Christian religion, but this provision soon disappeared. How-

³³The Declaration of Rights of 1776 prescribed, §33: "That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him; all persons professing the Christian religion are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession or for his religious practice; yet the legislature may in their discretion lay a general and equal tax for the support of the Christian religion." By §35 it is provided that no other test or qualification ought to be required on admission to any office of trust or profit than such oath of support and fidelity to this State, and such oath of office as shall be directed by this Convention or the Legislature of this State and a declaration of a belief in the Christian religion. In §36 exception is made as to administering an oath by attestation of the Divine Being, and Quakers, Dunkers and Mennonites " . . . ought to be allowed to make their solemn affirmations." By the Amendment of 1796, Article III, Quakers, Mennonites, Dunkers, Nicolites and New Quakers may, instead of taking an oath of office, make affirmation. By *ibid.*, Article V, §1, Quakers, Nicolites, New Quakers and Dunkers may affirm as witnesses. The Declaration of Rights, 1851, Article XXXIII is the same as present Article XXXVI, touching the qualification of witnesses and jurors. Article XXXIV provided: "That no other test or qualification ought to be required on admission to any office of trust or profit than such oath of office as may be prescribed by the Constitution or the laws of the State and a declaration of belief in the Christian religion, and if the party shall profess to be a Jew, the declaration shall be of his belief in a future state of rewards or punishments." This was modified so that the present Article XXXVII omits the references to the two religions.

ever, each constitution in its turn provided that one must believe in the

existence of God and that under His dispensation such person will be held morally accountable for his acts and be rewarded or punished therefor in this world or in the world to come,

as an indispensable qualification and prerequisite to act as witness or juror. This discriminated against certain non-conformists, atheists and agnostics. Many deists, men of note, are unable to qualify as witnesses or jurors in Maryland to-day. The law also probably operates against such Jews as do not believe in bodily resurrection or in Paradise or Gehenna.¹⁶

MEDIAEVAL SUNDAY LAWS OF THE CHURCH.

The Sunday law of the State of Maryland in its inception, construction and enforcement is distinctly a relic of the mediaeval union of church and state. It was enacted in its present form in 1723 as part of and corollary to the Blasphemy Act of that year. No work is allowed on

the Lord's day commonly called Sunday except works of charity and necessity; . . . nor shall [it be permissible to] . . . suffer children or servants to profane the Lord's day by gaming, fishing, fowling, hunting, or unlawful pastime or recreation.

Gaming here is clearly distinguished from fowling and hunting and covers card playing, which with other "recreations and pastimes" is forbidden.¹⁷

¹⁶ The Pittsburgh Conference of Reform Rabbis of 1885 adopted as part of its platform that it was no longer essential to believe in Paradise or Gehenna, "The Jewish Encyclopedia," vol. iv, p. 218. Reform Jews, according to Dr. Kaufmann Kohler, have no further belief in bodily resurrection, *ibid.*, p. 359.

¹⁷ The Code of Baltimore City penalizes "pitching quoits, flying a kite, playing bandy or ball or any other game or sport on the Sabbath Day." The Court of Appeals of Maryland decided that ball-playing is illegal even when it does not disturb Christian worship or rest. See *Hiller v. State*, *infra*.

As far back as 1834 Judge Chambers for the highest court decided that the Lord's day or "Christian Sunday," the Sabbath set apart as the day of rest, is the day consecrated by the resurrection of the Christian Saviour. He clearly referred to the section of the Act of 1723 governing blasphemy. Judge Boyd, later Chief Justice, speaking for the whole court in 1894, cited and approved this decision in affirming the sentence of a Seventh-Day Baptist farmer, who tilled his field on Sunday after his Saturday rest, and added:

If the Christian religion is incidentally or otherwise benefited or fostered by having this day of rest, as it undoubtedly is, there is all the more reason for the enforcement of laws that help to preserve it . . . to promote the cause of Christianity.¹⁸

ARE RABBIS NOW LICENSED TO MARRY?

There is a manifest omission in the laws of Maryland governing the solemnization of marriage so far as non-conformist Christians, other than Quakers, Jews and other disbelievers in the Gospel are concerned. Marriage for them may be solemnized by the publication of the banns in a house of worship, and

¹⁸ See *Judefind v. State of Maryland*, 78 Md., 510 (1894); *Kilgour v. Miles et al.*, 6 Gill and Johnson, 274 (1834), given in *Publications, supra*, No. 11, p. 103; *Hiller v. State*, 124 Md., 385 (1914), which affirmed the earlier opinion. In 1912 the writer procured the introduction of an amendment to the Sunday law, exempting from civil prosecution habitual Seventh-Day observers who did not disturb religious worship or Sunday rest; and he campaigned in its interest. Senator William Ogden, of Baltimore City, introduced the bill, which was not reported to the Senate. Rev. Dr. A. Guttmacher, Israel Silberstein, Adolph Kres, Louis Katzner, Morris Selenkow and A. S. Shochet, all of Baltimore City, accompanied him to the hearing on the bill accorded by the Committee. In the legislature of 1914, under similar auspices, Delegate Duke introduced a bill applying only to Baltimore City, and allowing certain rights to storekeepers who religiously and regularly observed the Seventh-Day Sabbath. It was not reported on favorably by the Baltimore City delegation to the House of Delegates.

the language here is broad and unexceptionable. Otherwise, it is an indispensable requirement for a valid marriage in Maryland that there be a license, and, as a condition precedent absolute, a religious ceremony. The license is directed

to any minister of the Gospel or other officer or person authorized by law to solemnize marriage;

but there is nothing to be found in the law of Maryland or in the decisions of its highest court so authorizing any officer or person, and of course a rabbi is not a minister of the Gospel. The law ought to be amended. However, until it is, there is no likelihood that any marriage solemnized under a state license and subsequently consummated will be declared invalid in this state, but it is possible that there will be, as in England, appeals to the courts to settle questions of marital rights easily fixed by timely statutory amendment.¹⁹

¹⁹ The writer, several years ago, was called upon for a legal opinion as to the authority of a Hazan of a Reform synagogue of Baltimore to solemnize the marriage of two members of the congregation on Tish'a b'Ab, on which day, according to the laws of orthodox Jews, marriages are not celebrated, and which is not observed as a fast day by Reform Jews. Two questions arose; first, as to the authority under the laws of Maryland of this Cantor to perform a marriage in the absence of the rabbi of the congregation from the city, and second, presuming such authority, then as to the marriage on the day stated. All the other Reform ministers were absent from the city. The writer gave it as his opinion that the Cantor ordinarily could rely upon having sufficient authority to solemnize such a marriage, especially if he had credentials from his congregation, since the performance of a formal religious ceremony, which the parties considered binding, would undoubtedly be held by the courts of Maryland as a religious ceremony sufficient for all purposes. As to his officiating on the day mentioned, the opinion was ventured that no Jew would be justified in the eyes of the synagogue in performing such a marriage unless he was a member of the Central Conference of American Rabbis, which had abrogated the Talmudic authority on the subject. The advice was given to postpone the ceremony until

It is clear that Maryland will have to change its Declaration of Rights²⁰ and its Constitution, as well as many of its laws, before it can stand forth as a state where equal rights for all prevail, or approach the standard set for it by Thomas Kennedy a century ago, to the effect that disbelievers in the Gospel be not content to come before the law under toleration

nightfall when the question could not arise. However, for the reason stated above, even if performed, the ceremony would probably be considered binding and legal by Maryland tribunals, although open to possible attack by the parties themselves. Subsequently the Baltimore Jewish Committee was formed by Reform and Orthodox Rabbis at the residence of Rev. Dr. William Rosenau, with the writer as chairman, to consider just such questions, and to appear in public as a local authority to speak for the Jewish community on questions of ritual ceremonies and the religious rights of Jews. At the 1916 session of the Maryland legislature a bill to amend the marriage laws was introduced. This committee sought, thereupon, to amend the provisions affecting the license, so as to give ordained rabbis and others, holding credentials from Jewish congregations, equal rights with ministers of the Gospel. The bill failed to pass the house.

²⁰ The Declaration of Rights of the present Constitution of Maryland (1867) in Article XXXVI says: "That as it is the duty of every man to worship God in such manner as he thinks most acceptable to Him, all persons are equally entitled to protection in their religious liberty; wherefore no person ought by any law to be molested in his person or estate on account of his religious persuasion or profession, or for his religious practice, unless, under the color of religion, he shall disturb the good order, peace or safety of the State or shall infringe the laws of morality, or injure others in their natural, civil or religious rights; nor ought any person to be compelled to frequent, or maintain or contribute unless on contract, to maintain any place of worship or any ministry; nor shall any person, otherwise competent, be deemed incompetent as a witness, or juror, on account of his religious belief, provided he believes in the existence of God, and that under His dispensation such person will be held morally accountable for his acts, and be rewarded or punished therefor in this world or in the world to come."

and patronage. The Jews of to-day must follow the Cohens and Ettings in their efforts of an earlier time to eliminate references to Christianity or the Gospel, and to remove all discriminations against those who do not believe therein from the law; provided, always, that no man be allowed to disturb the worship of his neighbor or to interfere with his rest or rights. Equality of all religionists and others before the law, not a mere toleration of dissenters from the accepted form of Christianity, can alone satisfy the demand of all true liberals.

NOTES.

JOHNSON OF COLUMBIA AND THE HEBREW LANGUAGE.

In a valuable paper contributed to the Society's *Publications*, No. 19, p. 116, Mr. Leon Hühner refers to the first president of what is now known as Columbia University. This was Samuel Johnson, and it is to one particular feature of his activities that this short note is devoted.

Johnson felt a passionate love for Hebrew. Before he was six, he came across a book with some Hebrew words, which some one told him belonged to the "language used by Moses and the Prophets." From that instant he was consumed with the desire to learn Hebrew.¹ At his first school in Guilford, Conn., one of the tutors, Noyes, had some little knowledge of Hebrew, and thus the foundation of Johnson's knowledge of the language was laid. Johnson was a man of wide interests, and made many friends in England, whither he proceeded in 1723 to receive ordination. On his return to America, he soon had the pleasure of welcoming Berkeley, who arrived at Rhode Island in 1729. More to our present point, however, is Johnson's correspondence thirty years later with Archbishop Secker and Bishop Lowth. In several letters of Secker reference is made to Johnson's anxiety that tutors sent to America should have a knowledge of Hebrew.² Bishop Lowth writes to Johnson on May 3, 1768, thanking the latter for his recently published grammar. He praises the work and adds:

I am glad to find that the study of Hebrew hath made a beginning, and some kind of progress in North America: and I doubt not, that, having been so well introduced, and still enjoying the same patronage and assistance, it will continue to increase, and, in time, flourish.³

The Bishop was a true prophet. In the same letter Lowth describes the progress of Kennicott's collation of the Hebrew MSS. of the Old Testament.⁴ In a third letter, dated May 16, 1771, Lowth writes:

I wish it were as much in my power, as, were there an opportunity, it would certainly be in my inclination, to promote *your useful proposal of estab-*

¹ T. B. Chandler, "Life of Samuel Johnson, D. D., the first President of King's College, in New York," New York and London, 1824, p. 2.

² Chandler, *supra*, pp. 179, 185.

³ *Ibid.*, p. 202.

⁴ Cf. also Lowth's letter of May 15, 1770, Chandler, *supra*, p. 204. 1. Abrahams in "Miscellanies," p. lxxix, in *Transactions of The Jewish Historical Society of England*, vol. viii.

lishing a Hebrew Professorship in North America. We must leave to God's good providence this and many other improvements in that country, and I doubt not of their being in due time accomplished.⁵

Again a true prophecy!

The most quaint fact about Johnson's devotion to Hebrew was the curious book which he published in 1767, and which Lowth pronounced "as clear and as full as any thing I have met with in so small a compass" (58 pp.). Its title is "An English and Hebrew Grammar, being the first short Rudiments of those two Languages, Taught Together. To which is added, a Synopsis of all the Parts of Learning."⁶ The book is exactly what the title prepares the reader to expect. It is an attempt to teach English and Hebrew *simultaneously* to quite young English children. Thus the first chapter is "Of the Letters and Reading English," while the second chapter is "Of the Letters and Reading Hebrew." The third chapter treats of the "Nouns in English," the fourth of the "Nouns in Hebrew." Sometimes the two languages are combined in one and the same chapter. Thus the fifth chapter is "Of the Pronouns in both English and Hebrew"; the ninth is "Of Particles in both English and Hebrew," and the tenth "Of the Syntax in both English and Hebrew." The author, at the end of the Preface, permits the teacher to "go over the whole English Grammar before he proceeds to the Hebrew." But clearly he holds that the teaching ought to be simultaneous. He gives two reasons for drawing up the two grammars together. In the first place the two languages

appear to me to be the simplest & easiest, and (as to the Grammatical Structure of them) the most like one another of any that I know.

Secondly, he has the

Persuasion that as soon as a Lad has learned to speak and read English well, it is much the best to begin a learned education with Hebrew; both because it is the first and easiest of all Languages, and indeed the mother of all Language and Eloquence: But chiefly because in it were written the most ancient original Oracles of God.

What Johnson held in theory he applied in practice. He taught Hebrew to his grandson very early, for he writes that the child, while in his sixth year, was "making a rapid progress in Hebrew."⁷

Naturally, Johnson was by no means the first to conceive that Hebrew ought to form part of the early studies of all young children. Dr. H. P. Stokes has called my attention to an instance

⁵ Chandler, *supra*, p. 206.

⁶ London, 1757. Price One Shilling.

⁷ Chandler, *supra*, p. 122.

in England in the reign of Charles II. William Wotton taught his son Hebrew, and in his "Essay on the Education of Children" gives a delightful account of the child's proficiency before he was six. The narrative is to be found in the book just cited, printed in London in 1753, but written nearly a century sooner.

I. ABRAHAMS.

WAS THE BANK OF ENGLAND PROJECTED BY A JEW?

The following, from *The British Magazine*,^s suggests a line of enquiry which The Jewish Historical Society of England may deem it proper to enter upon. It is here given for what it may be worth:

The following Address was humbly delivered by Mr. Jacob Henriques, into the King's own Hand, at the Parliament-House, on the 19th instant. (March, 1761, at the proroguing of the session.)

Wrote by HIMSELF.

A private, humble ADDRESS, to the best of Kings, George the Third, &c. &c. &c.

May it please the KING,

THAT amidst the throng of loyal and dutiful addresses presented by his faithful subjects, a veteran, for the credit and honour of the British nation, with all imaginable respect, presumes to approach his royal person, ever bearing in memory the glorious revolution, happy for these kingdoms and all Europe! In that period my late honoured father projected the Bank of England.

"The race not being always to the swift, nor the battle to the strong; but time and chance happening to all:" by various dispensations of Divine Providence, after using every honest and laudable endeavours, grudging no talent or expense for the public service, find myself so circumstanced, that with the greatest humility I most earnestly entreat your majesty's royal favour, so as to enable me to pass through the few remaining days of my pilgrimage with less solicitude, affording me some relief from the cares and anxieties of this life, that I may be fitter to prepare for my last great change, which at the farthest cannot be far off. I have seven daughters to maintain. Hitherto my sorrows and disappointments have been many and frequent; but if what I now offer, with the most profound reverence, shall incline your majesty on mature deliberation to consider me, my grey hairs will not go down sorrowing to the grave, and my eyes will be closed in peace.

May health, honour, glory, and every felicity, attend your sacred person, is the hearty wish of

Your majesty's most dutiful, most humble, and
devoted servant and subject,

JACOB HENRIQUES, born 1683.

SAMUEL OPPENHEIM.

^s 1761, vol. ii, p 157.

MISCELLANEA.

The MS. Division of the New York Public Library has recently (1916) come into possession of the following *unicum*:

Montefiore Album | Awarded by popular vote to the | Aguilar Free Library
| at the | Art Gallery | of the Fair in aid of the | Montefiore Home | for
Chronic Invalids. | New York Dec. 18. 1886.

This contains a pen-and-ink drawing, by Constant Mayer, of Sir Moses Montefiore, and numerous portraits and autographs, etc., of the latter. Besides, it embraces the following letters from Sir Moses:

1. To Mrs. — Davis, dated East Cliff Lodge, Ramsgate, August 28, —. On her daughter's betrothal to — Andrade.

2. To Myer S. Isaacs, Secretary of the Board of Delegates of American Israelites, dated Ramsgate, August 8, 1865. Offers his congratulations on the reorganization of the board, and best wishes for the prosperity of America after the war.

3. To K. K. Shearith Israel, New York (in Hebrew).

4. To Rev. H. Pereira Mendes, dated Ramsgate, September 5, 5638 [1878]. On the work of the Morocco Famine Relief Fund.

5. To the Editor of *The American Hebrew*, dated Ramsgate, September 9, 5644 [1884]. On his subscription to this publication for 5645.

* * *

The Library has, in addition, the volume of "Autographs collected for the Hebrew Educational Fair, New York, December 9, 1889." It contains those of President Benjamin Harrison and his Cabinet, procured by Benjamin F. Peixotto, and of Governor David B. Hill of New York, Vice-President Levi P. Morton, the Chief Justice [Fuller] of the United States and the Associate Justices of the Supreme Court, Mayor Hugh J. Grant of New York, the executive council of the fair, and the heads of congregations and institutions, etc., collected by Mrs. A. H. [Minnie D.] Louis.

* * *

From the "List of Assessments, Town of Cazenovia, [Westchester County, N. Y.,] for year 1812," also in the possession of the Library, this item is taken:

Names	Real Estate	Personal Estate	Sum Total	Amount of dollars	Taxes cents
Hays Philip	347	—	347	1	24
Phillips Barzila (?)	240	—	240	—	86.

* * *

The Massachusetts Historical Society issued, as the ninth (1914) and tenth (1915) volumes, whole numbers 69 and 70, of the seventh

series of its *Collections*, "Commerce of Rhode Island, 1726-1800," edited by Worthington C. Ford. In the former, covering the period 1726-1774, are printed 445 inedited letters, sailing orders, invoices, bills of lading and trading agreements, 225 of which relate directly to Aaron Lopez; in the latter, running from 1775 to 1800, 80 of the 424 letters and commercial pieces likewise bear on Lopez, and two others on Moses Michael Hays. See *The American Hebrew*, January 29, 1915, p. 348; *ibid.*, March 24, 1916, p. 576; *ibid.*, September 29, 1916, p. 720 *et seq.*; *Transactions of the Jewish Historical Society of England*, vol. viii, "Miscellanies," p. xxiii; *The Occident*, vol. xvii, p. 150; *Publications*, No. 23, p. 183.

* * *

Attention may be called to two publications of the Library of Congress, both edited by John C. Fitzpatrick. The first of these is the "Calendar of the Correspondence of George Washington, Commander in Chief of the Continental Army, with the Officers," in four volumes (1915); the second, the "Calendar of the Correspondence of George Washington, Commander in Chief of the Continental Army, with the Continental Congress," one volume (1906). Both are based on original, largely unpublished MSS. in that Library, and throw additional light on the activities, during the Revolutionary War, of Isaac, David and David Salisbury or Solebury Franks. The connection of the last-named with Benedict Arnold is plainly discernible from the entries in these pages. See *The New York Herald*, May 1, 1914, for an interesting reference to a portrait of Franks, owned by Clarence I. de Sola, of Montreal. Moses Bush, Captain Benjamin Edgar Joel (was he a Jew?), Joshua Newman (?), Levy Solomons of Montreal, Moses Harris, Major David Forst and a Captain Myers (?), and Simon Phillips are also referred to. See *The American Hebrew*, October 29, 1915, p. 717.

* * *

In *The Jewish Exponent*, November 20, 1914, p. 2, Mr. William Vincent Byars printed a letter, from the Etting Collection of the Historical Society of Pennsylvania, written by Mathias Bush of Philadelphia, to Barnett [Barnard] Gratz, then sojourning in London, and dated November 7, 1769. It relates to business affairs and family matters; Michael Moses, [David] and Richea Franks, Joseph Simon, Moses Clavai, Solomon Henry [Shelomoh ben Zebi Bluch], Henry Cohen and De Leon and Pereira of Jamaica are men-

tioned in it. Cf. Dr. Markus Brann, *Etwas von der schlesischen Landgemeinde*, in *Festschrift zum 70. Geburtstage Jakob Guttmanns*, 1915, p. 225 *et seq.*

* * *

Nathan Jaffa, of Roswell, N. M., was Grand Master of Masons in New Mexico for 1913-1914, and Charles E. Rosenbaum occupied a similar station in Arkansas for 1914-1915. See *Publications*, No. 19, p. 95 *et seq.*; No. 22, p. 182.

* * *

Prof. J. H. Hollander brought to our notice Catalogue No. 60 of G. E. Mackenzie, bookseller, of London, on p. 53 of which the following entry is given:

591. Manasses (R.) A Narrative of the late Proceeds at Whitehall concerning the Jews who had desired by R. Manasses, an Agent for them, that they might return into England and worship the God of their Fathers here in their Synagogues, &c., sm. 4to., new half morocco, gilt top, *London*, 1656
 Pages 13-14 contain an account "Of the proceeds amongst Indians in New England." The British Museum does not possess a copy, neither does Sabin mention it.

* * *

Mr. Frank Cundall, F. S. A., of Jamaica, sent us for the collections of this Society a memoir, giving an account of Chief Rabbi Joshua Hezekiah De Cordova, of Kingston in that island, who was born at Amsterdam in 1720 and labored in his ministerial office from his arrival at Kingston in 1755 to his death there in 1797. It was published in the *Columbian Magazine, or Monthly Miscellany*, of Jamaica, for October, 1797. In the same issue of this periodical, as well as in that for the preceding month, may be found elegiac verses to the memory of Emanuel Baruch Lousada, of Kingston, then lately deceased.

A. M. F.

RECORDS OF A WEST INDIAN MOHEL.

[Mr. Israel Solomons, of London, kindly supplied the subjoined records, which he said evidently belonged to a Mohel in the West Indies. They were entered on the blank leaves in a Daily Prayer-book of David Levi, which has been the property of his friend Joseph Nunes Nabarro, Solicitor, of London, since December 20,

1900 (Kislev 28, 5661). Besides their intrinsic interest it may be pointed out that the original record entries of a Mohel are clothed with evidentiary value of an irrefragable character by English and American courts of justice. — F.]

At the head of the entries the following appears:

R. J. N. } November 3, 1816.
 2" " " } Heshvan 12, 5577.

שמואל

1. Monday, 28th Feb., 1825. Samuel. Son of Samuel Hart by Elizabeth his Wife. Born Oct. 31, 1824. Father & Mother Padrinho & Madrinha.

הנרי

2. (Dead) Sunday, 6th Mar., 1825. Henry. Son of Barnet & Hanah Isaacs of Montego Bay. Born Wed., Feb. 23, 1825. Padrinho: Solomon Marks. Madrinha: Catherine Marks, his daughter.

הלברטה

3. Halbert, Son of David Jacob & Deborah Basan. Born Tuesday, May 31, 1825. Circumcised on Monday, June 13, 1825. Padrinho: D. J. B. Madrinha: Sarah Nunes for M—— Basan.

אברהם הנרי

4. Tuesday, Aug. 16, 1825. Abraham Henry, Son of Jacob Portello Corinaldi and Hanah his Wife of Montego Bay. Born July 17, 1825. Padrinho: Horatio Corinaldi. Madrinha: Rosa Solomons.

יצחק

5. Oct. 6, 1825. Isaac, Son of Phenias & Leah Vaz. Born in Blk. River, Aug. 6, 1825 & brought to Kingston to be circumcised. Padrinho: Isaac Nunes Vaz. Madrinha: ——— Vaz.

אלברטה

6. Sat., Oct. 29, 1825. Albert, Son of Ralph & Rachel De Pass at 8 days old. Padrinho: J^b De Pass. Madrinha: Luna Melhado, Wife of Dr. Eml. Melhado.

אברהם

7. Thursday, Nov. 24, 1825. Abraham, Son of Ashur & Esther Lyon at 8 days. Padrinho: ———. Madrinha: Mrs. Esther Demercado.

נפתלי

8. (Dead) Sunday, Jan. 22, 1826. Naphtali, Son of Solomon and ——— Myers. Born 1826. Circumcision put off in consequence of ill health. Padrinho: Henry Levison. Madrinha: ———.

אלברטה אגשתם

9. Thursday, Feb. 2, 1826. Albert Augustus, Son of Isaac & Henrietta Isaacs. Born at Berry Hill Plantation (Parish of Manchester), on the 24th Jan., 1826. Padrinho: Albert Levison. Madrinha: Adelaide Eliza Isaacs.

בנימן

10. Thursday, Mar. 2, 1826. Circumcised at Montego Bay, Benjamin, Son of Benjamin & Esther Nunes. Born Saturday morning, Feb. 11, 1826. Padrinho: George Delisser. Madrinha: Sarah De Pass.

ואלים

WALLACE.

11. Sun., Oct. 22, 1826. Circumcised Wallace at 8 days, Son of David & Deborah Basan. Born Sat. night, 14th Oct. London, 6th June, 1853, at 10 o'clock this night his Soul departed to Heaven after an illness of Eleven Years.

אכשתם

AUGUSTUS.

12. Sun., Mar. 18, 1827. Circumcised at Gaza, Manchester. Augustus, Son of Aaron & Rebecca Sampson. Born Sat. morning, Feb. 10, 1827. Padrinho: Joseph Carrol. Madrinha: Rebecca Lopez by proxy of Rosalind Stella Sampson.

ALEXANDER.

13. Wed., Aug. 1, 1827. Circumcised at 8 days, Alexander, Son of Judah & ——— Alberga. Padrinho: ——— Alberga. Madrinha: ———.

יעקב

14. (Dead) Thur., Dec. 27, 1827. Circumcised Jacob, Son of Phenias & Leah Vaz. Born in Blk. River, Sun., 10th Nov., 1827 and brought to Kingston to be named.

אלגרנן

15. Wed., Feb. 27, 1828. Circumcised Algernon, Son of Solomon Myers by his Wife at 8 days old. Padrinho: Dr. Mos. Morales. Madrinha: ———.

הורשו

16. Sat., Mar. 29, 1828. (Shabat Gadol.) Circumcised in the German & English Synagogue Horatio, Son of Elkin & ——— Moses at 8 days. Born Friday afternoon, Mar. 21. Padrinho: The Father. Madrinha: His eldest daughter.

רוד

17. Dec., 1829. Circumcised David, Son of Ralph Pereira by Rebecca Quello. Born 6th Sept., 1829. Pad.: Is. Gadella. Mad.: Fan. Gadella.

משה

18. Fri., Jan. 15, 1830. Circumcised Moses, Son of Isaac Garcia De Pass by his Wife Maria at 8 days. Padrinho: B. M. De Leon. Madrinha: Rebecca M. De Leon.

אברהם

19. Mon., April 13, 1830. Circumcised Abraham, Son of Isaac & Esther Pinto at 8 days. Padrinho: Abraham Pinto, Jr. Madrinha: Esther Peña.

20. Tues., May 8, 1830. Circumcised Daniel, Son of David of Abm. Rodrigues Da Costa by his wife Louisa at 8 days. Padrinho: Aaron of Abraham Rodrigues Da Costa. Madrinha: ———.

21. Tues., July 13, 1830. Circumcised Jacob, Son of Francis Henriques at 8 days. Padrinho: I. Brandon. Madrinha: ———.

22. Mon., Aug. 23, 1830. Circumcised Samuel Carvalho, Son of David of Isaac Soarez by Rebecca, his Wife. Padrinho: The Father. Madrinha: His sister Rebecca Soarez.

23. Tues., Sept. 7, 1830. Circumcised Alexander, Son of David of David Rodrigues Da Costa by Rebecca his wife at 8 days. Padrinho: Amos Da Costa. Madrinha: Jud. De Cordova of A. H.

24. Thur., Oct. 7, 1830. Circumcised Henry, Son of Manasseh De Mercado by his Wife at 8 days. Padrinho: Abraham Morais. Madrinha: Esther of Manasseh De Mercado.

25. Wed., Nov. 3, 1830. Circumcised Carlos or Charles, Son of Alex Bravo by his Wife Sarah at 8 days. Padrinho: Isaac Henriques. Madrinha: Hannah, Wife of Dr. Moses Henriques.

26. Fri., Nov. 5, 1830. Circumcised Aaron Charles, son of Moses & Judith Bonitto at 8 days. Padrinho: Abraham Jacobs. Madrinha: Deborah, Wife of Abraham Jacobs.

27. Wed., Dec. 8, 1830. Circumcised David, son of Amos & Mary Ann Da Costa at 8 days. Padrinho: Alexr. Joseph Lindo. Madrinha: ———.

28. Sat., Mar. 19, 1831. Circumcised William Henry, son of Dr. Emanuel Melhado by his wife Luna at 8 days. Padrinho: ——— Melhado. Madrinha: Jane De Pass.

29. Wed., Mar. 30, 1831. Circumcised James Henry, son of Abraham De Pass by his Wife Sarah at 8 days, (being the second day of Pesah). Padrinho: Benjamin Alberga. Madrinha: Esther, daughter of Levy Barned.

30. Tues., May 24, 1831. Circumcised at Falmouth Abraham Henry, Son of Emanuel Lyon by Frances his wife. Born Sat., 30th April. Padrinho: Asher Lyon. Madrinha: Esther Lyon.

31. July 1831. Circumcised David, son of Lewis Davidson by his wife.

ANDREW (died).

32. Sun., July 31, 1831. Circumcised Andrew, son of Benjamin & Eve Bellzario at 8 days of age in St. Andrews. Levy Barned & his Wife.

33. Sun., Feb. 5, 1832. Circumcised ——— סאנדר (Sander), Son of Sol & ——— Myers. The father and Jael Melhado.

34. Fri., Mar. 23, 1832. Horatio, son of Robert & Rachel Salmon at 8 days old. Padrinho: P. Lawrence. Madrinha: Mary Delgado.

35. Fri., May 25, 1832. Son to Amos & Marry Ann Da Costa at 8 days old.

דוד אלפרד

36. David Alfred. Monday, July 16, 1832 at 8 days. Son of Ralph Brandon Da Costa by his wife. Padrinho: Alfred Elkin Lewin. Madrinha: Mary Ann Mendes.

37. Sat., July 28, 1832, at 8 days David, son to Daniel Wolfe by his Wife. Padrinho: ——— Wolfe. Madrinha: Mrs. Eml. Barrow.

DAVID.

38. David, Son of Jacob & Sarah Da Costa. Circumcised Sat., Aug. 25, 1832 at 8 days. Padrinho: David of David R. Da Costa. Madrinha: Jud. De Cordova.

רוב

39. Son of ——— Bennet by his wife. Circumcised Fri., Nov. 2, 1832 at 8 days. Padrinho: Joseph Marchallech. Madrinha: Mrs. Sereno.

(sic) שבץ

40. Septimus, Son of David Da Costa by his wife. Circumcised Monday, Nov. 19, 1832 at 8 days. Padrinho: R. B. Da Costa. Madrinha: ——— Iavarez.

41. Arthur Wellesley, Son of Benjamin & Eve Belizario. Circumcised Thurs., Dec. 6, 1832.

(sic) נחם צוי

42. Edward Henry, Son of Louis Lewis by his wife. Circumcised Sat., Dec. 22, 1832, at 8 days. Padrinho: Andrew Lewis. Madrinha: Sarah L. Lewis.

43. Jacob, Son of David & Elizabeth Aarons, Sat., Dec. 29, 1832, at 8 days. Padrinho: Moses Delgado. Madrinha: Henrietta Delgado.

GEORGE.

44. Thurs., Jan. 31, 1833. Circumcised George, son of Manasseh De Mercado by his wife at 8 days. Padrinho: ——— Jacobs. Madrinha: Daughter to M. De Mercado.

MICHAEL.

45. Tues., April 23, 1833. Circumcised Michael, Son of Joshua Raphael De Cordova by his wife Esther at 8 days. Padrinho: Jacob De Cordova. Madrinha: Rosa Nunes.

PHILIP.

46. Monday, May 27, 1833. Circumcised Philip, Son of Robert Salmon by his wife Rachel who died in giving birth to the infant on 28th March. Padrinho: Robert Salmon. Madrinha: Sarah Melhado.

JOSHUA.

47. Wed., June 20, 1833. Circumcised Joshua, son of Solomon Joseph by his wife at 8 days.

DAVID FRANKS' INTEREST IN LANDS IN VIRGINIA, IN 1774.

David Franks and others purchased from the Indians two tracts of land in Virginia as it was known before the Revolution, for colonization purposes and Indian trade. The grantees, desiring their colonists to be under the protection of the government of Virginia and of the King, appointed David Franks, with William Murray and John Campbell, a committee to present a petition to the Lord Chancellor at London, requesting such protection. This petition with a copy of an opinion of the Chancellors, enclosed in it, is given below. A memorandum of the copyist states that accompanying these documents and a copy of the Indian deed was a letter, dated May 16, 1774, from Governor Dunmore to Lord Dartmouth recommending compliance with the petition. The acquisition of these lands by Franks, Murray and Campbell and others, with a short description of their location and references to the colony up to July, 1775, is mentioned in "The Gratz Papers," by William V. Byars, in *Publications of the American Jewish Historical Society*, No. 23, pp. 19 to 23. The spelling and punctuation are given as in the original. The tracts extended from the Mississippi along the Illinois River to the present site of Chicago, and from the Mississippi front below Kaskaskia to the mouth of the Ohio River.

[British Public Record Office, Papers of Colonial Office, 5, 1352 (old A. W. I. 212) pp. 151 to 155.]

To His Excellency, The Right Honorable John Earl of Dunmore Governor and Commander in Chief, in and over the Colony and Dominion of Virginia, and Vice Admiral of the same.

The Petition of the several Grantees named in the Deed (herein after mentioned) as well, on behalf of themselves, as in the Names and on behalf of all the several Persons settled upon the Lands granted by the said Deed to the Petitioners. HUMBLY SHEWETH That your petitioners having seen the opinions of Lords, Chancellors, Camden, and York, relative to Titles, derived by his Majesty's Subjects from the Indians, or Natives (an exact copy whereof is hereunto annexed;) and being farther induced, by motives of extending the British Trade into the Indian Country, and by equitable, fair, and open dealing, to bring over the Natives to a due Sense of a peaceable and well regulated Commerce; as well as to avert the Evil consequences, that might ensue to his Majesty's good Subjects from the great numbers of irregular and Lawless Emigrants, that are about seating themselves upon the Lands of the Natives, without having obtained the consent of those Native and Natural Proprietors to the making of such settlements, which irregular and unlicensed encroachments, might very probably be productive of Indian Insurrections and depredations the fatal consequences of which, have been experienced by many thousands of his Majesty's Subjects.

Your Petitioners have therefore, at an expense of many thousand pounds; as well as with very great fatigue to some of your petitioners, in the most fair, open, and public manner, purchased in Fee Simple, from the Native proprietors, two several tracts or parcels of Lands as by the Indian Deed

of Conveyance (duely executed in full and public Council held with all the Chiefs or Sachems of the different Tribes of the Illinois Nations of Indians, and recorded in the Secretary's office at Williamsburgh in the Colony and Dominion of Virginia) may more fully appear. That, no part of the Lands in your Petitioner's purchase were heretofore ceded to, or purchas'd by, or for either, their Christian or Britannic Majesty's or either of their Subjects.

That, the purchase was fair, open, public and satisfactory to the Indians, appears from the Affidavits of Richard Winston French Interpreter, Michael Danne and Plero Bloit, Indian Interpreters (the latter of whom being Indian Interpreters for the Crown in that Country) taken by the officer Commanding his Majesty's Troops in the Illinois Country, which may be farther proven if necessary, by the Testimony of many other Credible witnesses, who were present at the several Conferances, publicly held with the Indian Chiefs &c^{ts} relative to the petitioners purchase, as well, as subscribing witnesses to the Executing the Deed of Conveyance, and present at the delivery of the Considerations expressed in the Deed.

That, your petitioners are, at a very considerable expence, making settlements upon their purchase: as well by themselves, as by many Orderly, Industrious and usefull British subjects whom your petitioners are transporting to that Country, which 'tis hoped, and expected, may soon become usefull and beneficial to their parent Country, as well as to his Majesty's Colonies in America, and also tend greatly to facilitate and expedite the Civilization of those Indians who have heretofore been troublesom to the Frontier Inhabitants of the several Colonies, the settlers upon your petitioners purchase becoming a good barrier to cover the Frontiers, of the several Contiguous Colonies, and particularly the present Frontier Inhabitants of Virginia.

That your petitioners shall be always willing to comply with such Rules, and Regulations, with respect to quit Rents, as the Inhabitants of his Majesty's Colony and Dominion of Virginia are Subject to, as well as Ardently wishing to enjoy the benefit of the Laws—And as they apprehend their purchase to be within the limits of the Colony of Virginia, tho' its Jurisdiction has not hitherto been so far extended.

Your petitioners therefor pray, That your Lordship be pleased to take the Petitioners, and their settlements in to the protection of your Lordships Government of Virginia, and extend to them the Laws and Jurisdiction of your Colony accordingly.

And your petitioners shall ever pray—

By order of the Committee duely authorised by all the Grantees—

DAVID FRANKS
W MURRAY
JOHN CAMPBELL

Philadelphia 9th
Aprile 1774—

The following is the opinion of the late Lord Chancellor Cambden and Lord Chancellor York on Titles derived by the Kings Subjects from the Indians or Natives:

In respect to such places as have been or shall be acquired by Treaty or Grant from any of the Indian Princes or Governments: your Majesty's Letters Patents *are not necessary, the property of the Soil vesting in the Grantees by the Indian Grants;* Subject Only to your Majestys Right of Sovereignty over the Settlements as English Settlements and over the Inhabitants as English Subjects *who car'y with them your Majestys Laws wherever they form Colonys and receive your Majestys Protection by Virtue of your Royal Charters.*

The above is a true Copy compared in London the 1st April 1772 —

SAMUEL OPPENHEIM.

ADOLPHUS MORDECAI HART, OF QUEBEC.

The Hart family of Three Rivers and Quebec is well known in Canadian history.⁹ I found several notices with regard to Adolphus Mordecai Hart who charged a circuit judge for making unfair decisions. Hart, a student at law at Quebec, had attended many trials that took place before a judge named Bowen. Although only a student, yet he soon realized that many of the decisions handed down by this judge were unfair, and as a result immediately set to work and examined the judge's decisions for past years, and found them contrary to law. On further examination he found that it was the judge's friends who always received the most favorable decisions. With that in mind and with the help of several friends he presented a petition to the Lower House of Assembly on January 7, 1836, through Mr. A. Gagy. It set forth that Judge Bowen was notoriously a partial, violent and cunning judge; that he had during a series of years been guilty of flagrant abuses of his judicial authority; that he had oppressed people who applied to the said Court of Justice; that he had pronounced opposite judgments in cases similarly situated and that these judgments were clearly ascribable to his partiality for his relations and friends and his personal animosity towards others; that he had put, by such gross violation of law, citizens and subjects of His Majesty to enormous and ruinous expense.

When Judge Bowen was asked about these charges he denied them in the warmest terms and added that Hart be required to furnish the House with details on which the charges were based. After pursuing the inquiry for some time, it was moved by Mr. Viger and seconded by Mr. Berthelot that the consideration of the said charges against Judge Bowen be put off to next month. On a vote being taken we have the following record: 29 yeas and 24 nays.

On March 10, 1836, the charges were again taken up by the standing Committee of Grievances.¹⁰ The Committee, with Gagy as chairman, examined numerous judgments by Judge Bowen and concluded that he had handed down many decisions contrary to law. It recommended that there was room for accusation, that often such a spirit pervaded the Bench, that the judgments given out would tend to destroy public confidence in the administration

⁹ See *Publications*, No. 23, p. 43 *et seq.*; p. 137 *et seq.*

¹⁰ "Thirteenth Report of the Standing Committee of Grievances, 1835-6."

of justice,"¹¹ and that instruction be given to Judge Bowen that he exercise more care in his decisions.

I was unable to find anything further. Several years later, however, Judge Bowen resigned his position.

JULIUS J. PRICE.

JOSEPH AARON.

To the figures which moved actively in the Jewish circles of New York at the early part of last century, may be added that of a certain Joseph Aaron.

All that is known of him so far may be derived from his published work. From that source we gather that he was a "Hebrew Professor and teacher of Hebrew Grammar," and that, when his book appeared in 1834 he was domiciled at 355 Grand Street, New York.

On November 12, 1834, he deposited with Frederick J. Betts, Clerk of the United States Court for the Southern District of New York, the title of his book, in conformity with the Act of Congress. The book is a 16° volume of 72 pp., the last two of which are blank. It has a Hebrew & English title, the latter of which runs: "A Key to the Hebrew Language, and the Science of Hebrew Grammar Explained. (With Points) First Part." The title-page further informs us that the book was "Chiefly designed for the use of Schools." On the other hand the Preface opens with the declaration:

This little work is calculated to teach adults to read the Hebrew Language, with points, correctly, with Rules, which will enable them, with their own study and application, to attain that most desirable acquisition, of an acquaintance with the Holy Tongue.

Probably the author had two classes of pupils in mind; Jewish children and Christian adults. He rather falls between two stools. The grammatical rules are too intricate for the young, while the selection of prayers at the end was specially designed for children, both *Sephardim* and *Ashkenazim*.

There are some indications that the author was not an accomplished Hebraist, as when he renders a well known Talmudical aspiration by "The Law shall be my belief," instead of "my chief business in life." But Joseph Aaron has distinct merits as a teacher. Though he worked on the old lines, he reveals some inkling of what we regard as newer methods. Thus he prints a long

¹¹ Appendices to "Journal, 1835-6."

vocabulary of Hebrew words, many of them the names of common objects, just as a modern teacher would do, even if he ignored the Hebrew-by-Hebrew system.

The author promised a second volume on the verbs and tonic accents. It is not known whether he carried out this plan. At all events his name seems worthy of preservation in the *Publications* of this Society.

I. ABRAHAMMS.

JEWES WHO DIED OF YELLOW FEVER IN THE EPIDEMIC IN NEW YORK IN 1798.

From "An Account of the Malignant Fever lately Prevalent in the City of New York," by James Hardie, New York, 1799, the names of Jews who died of yellow fever during the epidemic in New York between August 1 and November 14, 1798, with their addresses and *provenance*, as there noted, are here given, together with references to the mention of some of them as given in the *Publications of the American Jewish Historical Society*. The statistical tables in the account show the mortality among the Jews as 1 in August, 5 in September and 4 in October, 1798, or 10 in all, out of a total of 2,064 of all denominations. The race of the victims is not specified in the detailed list.

Jacob Hays, conveyancer, a child, of 63 Chappel St.
Uriah Hendricks, merchant, 112 Pearl St. London. (See *Publications*, *supra*, No. 18, p. 104; No. 20, p. 163.)
Moses Isaac, broker, 32 Barclay St., (*ibid.*, No. 18, p. 105 which gives a Nathaniel Isaacs as having died September 25, 1798. The list also gives Isaac Moses, broker, but this is probably intended for Moses Isaac just mentioned, as the well known Isaac Moses who was an auctioneer died some years later. The New York City directory for 1797 gives an Isaac Moses, shoemaker, and this man's name does not appear later or before in the city directories).
Solomon Isaac, storekeeper, 17 Chatham St. Germany. (*Ibid.*)
Michael Israel, trader in furs from Hesse Cassel, Germany.
Walter S. Judah, student of physlc. (*Ibid.*, p. 101.)
Joseph Levi, a soldier. Hospital.
Samuel Lazarus, shopkeeper, 19 William St. (*Ibid.*, p. 103.)
Joseph Nathan, trader, Whitehall street, Germany. (*Ibid.*, p. 103.)
Samson A. Myers, coppersmith, 71 John St.

In a list of those who made donations to the Health Committee for the relief of the sick and indigent, mainly coming from near by towns and very few from the city itself, appears the name of Ephraim Hart as contributing \$25. He was a prominent Jew in the city (*ibid.*, No. 2, p. 85; No. 4, pp. 215-217).

SAMUEL OPPENHEIM.

MEMORIAL NOTE ON SAMUEL WESTHEIMER.

Samuel Westheimer was born in Rimbach, Hessen-Darmstadt, Germany, March 18, 1833. In the spring of 1848 he came to the United States on a sailing vessel from Hamburg, the voyage consuming thirty-one days, and removed to St. Joseph, Mo., in March, 1859. On April 23, 1866, he was married to Johanna Haas, of Chicago; the fruit of this union was two sons and seven daughters. His wife and all the children but one son and one daughter survived him at his death on December 22, 1914, in St. Joseph. For over thirty years Mr. Westheimer had been president of the Jewish Congregation Adath Joseph of St. Joseph and, from its inception, he was a director of the National Jewish Hospital for Consumptives at Denver. Besides, he was actively identified with the fortunes of the Independent Order of B'nai B'rith.

In the civic life of his adopted home Samuel Westheimer always took a deep interest; from 1878 to 1885 he was intimately associated with its municipal administration. In the two years from April, 1882, during the mayoralty of F. M. Posegate, Mr. Westheimer was president of the city council of St. Joseph and chairman of its finance committee. The municipal finances were then in a deplorable condition; the treasury of the city was absolutely bankrupt; St. Joseph had defaulted in the prompt and regular payment of its obligations, and its accumulated debts amounted to about \$1,750,000. Under Mr. Westheimer's expert guidance the credit of the city was successfully reestablished and order in the finances restored. In February, 1884, the Republican and Democratic parties simultaneously offered him the mayoralty nomination. He declined it. No wonder that, in an editorial leader on "The Passing of Samuel Westheimer," *The St. Joseph Observer* for December 26, 1914, remarked that this pioneer settler helped, and was, indeed, the prime factor, to transform an insignificant steamboat landing into one of the great cities of the middle West.

Former Mayor Posegate, who survived his co-worker in municipal affairs, in a letter to *The St. Joseph Gazette* for January 3, 1915, declared by way of a suitable tribute that

....It will not be inappropriate for me to suggest that the future historian of St. Joseph should emblazon the name of Samuel Westheimer upon one of his brightest pages.¹²

¹² This, and the other *pièces justificatives*, form a part of the collections of this Society, to which they were kindly presented by the family of the late Samuel Westheimer, through the good offices of Mr. Jacob Gimbel.

On January 4, 1915, the city council of St. Joseph formally passed resolutions testifying to the probity and worth of Samuel Westheimer. In these it was said of him:

.....one of those stanch, tried and true citizens of which St. Joseph has reason to feel proud—a man who gave of his time and his money and his brain to make his home town more progressive, more substantial and more prosperous,.....a man who generously gave his time and his talent to the rehabilitation of the political structure of the city he loved,..... his place will be hard to fill in this community..no city has enough men of such inimitable character.¹³

A. M. F.

THE WILL OF HENRY BENJAMIN FRANKS, DECEMBER 13, 1758, AND INVENTORY OF HIS ESTATE.

Henry Benjamin Franks, who kept a shop at Mt. Holly, N. J., not far from Philadelphia, and is described in the inventory of his estate as late of Bridgetown, County of Burlington, Province of West New Jersey, was probably identical with Naphtali Benjamin Franks whose name appears in the MS. record book of marriages and deaths of the Congregation Shearith Israel of New York as having died 15 Kislev, 1758.¹⁴ This date would about correspond with the date of the death of Henry Benjamin Franks which occurred between the date of his will, December 13, 1758, and the qualification of his executor, December 19, 1758. The proof of the execution of the will was made later. Mr. Phillips says the facts he supplies as to Naphtali B. Franks are of record, but does not give his authority; presumably he had in mind the book of marriages and deaths above mentioned, though my examination of that book failed to show who Naphtali B. Frank's relatives were. It is probable that Naphtali, for business or sentimental reasons, substituted the name of Henry. Such variations between the synagogue and secular first names are frequent among Jews. Jacob Franks and his son David are mentioned in the will but their relationship to the testator is not indicated.

Though the inventory mentions Henry Benjamin Franks as of Bridgetown, David Franks, the executor, in an advertisement in

¹³ Published in *The St. Joseph Gazette* and *The St. Joseph News-Press* for January 5, 1915. See, also, the editorial leader in *The St. Joseph Gazette* for January 3, 1915. There it was *inter alia* said: "Westheimer was a very modest gentleman, one who did no bragging about his services to the community or of his accomplishments as an individual, but left to his family and friends the legacy of a splendid name, which is, after all, the jewel of great price." Throughout his long life Mr. Westheimer was a munificent but unostentatious patron of charity, both Jewish and general.

¹⁴ See also N. Taylor Phillips in *Publications of the American Jewish Historical Society*, No. 4, p. 201.

the *Pennsylvania Gazette*, December 28, 1758, requesting the presentation of any demands against the estate and the payment of debts due it, speaks of his testator as late of Mt. Holly, N. J. The advertisement also gives notice of the sale on January 9, 1759, of an assortment of shop goods and household ditto at the dwelling of said Franks.

Moses Mordecai, one of the witnesses to the will, a friend of David Franks, the executor, resided in Philadelphia, and was the father of the well known Jacob Mordecai. (*Publications, supra*. No. 6, pp. 40, 41.)

The will is recorded in Liber B-9, p. 312, in the office of the Secretary of State at Trenton, N. J. With the accompanying documents it reads:

I appoint David Franks of Philadelphia my Executor to manage all my affairs after my disease because he knows my Relations, and I know him to be an honest man so that I would not have him accountable to any Body about my affairs I give all my Estate to Jacob Franks of New York & David Franks of Philad^a to dispose of it between my Mother, my Brothers & sisters as they shall think proper

Witness my Hand & Seal this 13th Day of Dec. 1758

H. B. FRANKS (Seal)

Witnesses

Phineas Bond

Daniel Hopewell

(In Hebrew letters)

Mordecai.....

Be it remembered that on the day of the Date hereof Personally appeared before me Charles Read Esq^r one of the Surrogates of the Province of New Jersey David Franks Executor in the Annexed Instrument named who being a Jew and being Duly sworn on the five Books of Moses did Solemnly Depose that the annexed Instrument of Writing contains the True Last Will and Testament of Henry Benjamin Franks the Testator therein named as farr as he knows & as he verily Believes And that he will Well and truly perform the same by paying first the debts of the said Deceased and then the Legacies in the said Testament Specified so farr forth as the goods Chattels and Credits of the s^d deceased can thereunto extend and that he will make and Exhibit into the Registry of the Prerogative Office in Burlington a true and perfect Inventory of all and Singular the Goods Chattels and Credits of the said deceased that have or shall come to his knowledge or possession or to the possession of any other person or persons for his use and render a just and True account when thereunto Lawfully required

Sworn Dec^r 19th 1758
Before Cha Read Surrogate

DAVID FRANKS

Moses Mordecai being a Jew and one of the witnesses to the annexed Will being duly sworn on the five Books of Moses according to law did severally depose and Daniel Hopewell being of the people called quakers on his solemn Affirmation which he took according to Law did declare that they were present and Saw Henry Benjamin Franks the Testator above named sign and seal the same and heard him publish pronounce & Declare the annexed Instrument to be his last will and testament and that at the doing thereof the said Testator was of sound & disposing mind and memory as farr

as this deponent & affirmant knew and as they verily believe and that Phineas Bond the other subscribing Evidence was present and signed his name as a Witness to the Same Together with this Deponent and Affirmant in the presence of the said Testator

Affirmed and Sworn
10th Jan^y 1759 before
Cha Read Surrogate

his
MOSES MORDECAI
mark
(In Hebrew letters)
Mordecai.....
DANIEL HOPEWELL

Inventory of all and Singular the Goods and Chattels Rights and Credits, of Henry Benj Franks, Mer^t late of Bridgetown in the County of Burlington and Province of West New Jersey Deceased Viz:

Imp His Purse	165	12	6
It His wearing apparel	18	5	
It His household furniture	31	7	
It His Horse Bridle and Sadle	6		
It His Shop Goods	413	6	8
It His Negro Wench Prisula	20		
It His bonds	22		
It Notes of hand	11	5	2½
It His Book Debts	107	4	4
	£ 795	0	8½

Appraised this 20th Day of December
Anno Domini 1758
p^r us
Zachariah Rossell juner
Dⁱ Jones Jun^r
Sworn & affirmed y^e
10th Jan^y 1759 before
Cha Reade Surrogate

SAMUEL OPPENHEIM.

ADDITIONAL MATERIAL ON FRANCISCO DE FARIA.

Since the publication of the paper on Francisco de Faria and the Popish Plot in the *Publications* (No. 20) of this Society through the kindness of Mr. Israel Solomons of London my attention has been called to a rare pamphlet. Its title runs:

The | Narrative | of Segnior | Francisco de Faria | Interpreter and Secretary
of Languages unto | Gaspar de Abren de Fritas. | Late Ambassador in Ordinary
from the Crown of | Portugal. | To his most sacred Majesty of England.
Wherein is contained the several | Informations | given upon oath
before the Right Honourable the Lords Commit | tees, for Examinations
touching the horrid Popish Plot, and re | ported to the Lords Spiritual and
Temporal in Parliement assembled. | And || afterwards to the Commons of
England in Parliement assembled. || London, Printed by John Gain, for
Randal Taylor, | and to be sold at his House near Statio | ner's-Hall 1680.

From this the following autobiographical facts in addition to those already printed about de Faria are offered. Francisco was

born at Pernambuco, Brazil, in 1653. He was removed by his parents to Holland where he continued until 1662, when he came to England. Then he writes,

having a desire to see the World, I travelled through the most considerable parts of it.

He returned by way of Flanders to England in 1678. Through his father's influence as a friend of the then newly arrived Portuguese Ambassador to England, Francisco, being able to speak English, French and Portuguese, and claiming a "knowledge of seven or eight languages" was taken into the service of Don Gasper de Abren de Freitas as Interpreter and Secretary of Languages, in which position he continued until the Ambassador departed for home in February, 1679.

LEE M. FRIEDMAN.

LETTER OF JONAS PHILLIPS, JULY 28, 1776, MENTIONING THE
AMERICAN REVOLUTION AND THE DECLARATION OF
INDEPENDENCE.

The following letter in cursive Judaeo-German from Jonas Phillips to Gumpel Samson, merchant, of Amsterdam, given in printed form with an English translation, is of interest because of its mention of the war between the Colonies and England, the number of soldiers engaged at first on each side, and the copy of the Declaration of Independence enclosed in it. Accompanying it is some English matter. The letter never reached its destination, having been intercepted by the British. A photographic copy of it, with a MS. copy of the English text, has been obtained from abroad and presented by the writer to the American Jewish Historical Society. The originals are in the British Public Record Office.¹⁵

Philadelphia, July 28, 1776.

פילעטילפה יום א יב מנחם אב תקלו לפק
שלום לאהובי אדוני שב האלוף והקצין ח' א"א כש' כה' גומפיל יצ' וכאל'ש
אלש עז אלי וויל ניט מיגליך איז איין בריב צו שיקין נאך ענגילאנט פון וועגין
דיא מלחמה אין עמיריגה זיין מוז שרייבן ביא וועג פון St. EUSTATIA אין
האב נאך קאר קיין תשובה גיהאט אויף איין בריב פון MAY 1775 דען האב'י אדוני

¹⁵ Colonial Office Papers, No. 5, p. 40 [bundle not arranged, old No. A. W. 1, p. 449].

שון איין חילוף גישקט פֿר יוד ליטרת שטערלינג פֿר מיינע מעמה זעלד דער זעלביגן בריב נישט ויין אן גיקומין דען ביטה ווערט די אין גישלאגניגן דריטן חילוף דש געלד אן פאנגן אונ צו אומה ת' שיקן זעלד עז אכיר שונט אנפאנגן ויין דער ברויכט דען חילוף נישט ווידיר צוריקשיקן ודיל אלש אלי ווייל קיין ענגילשה סחורה קאן נישט אריבירקומין אונ פיל געלד איז צו פֿרדיגן ביי דיא האלענשה סחורה ווען מאן עז וואכען וויל זעלד איר איין פֿריינט האכין דער דיון ווידיר וויל ביקאהן קומין מיט דיא אונדירשט פֿרמעלדי סחורה קאן איין פֿרויכרה דשד' למאית פֿריצינט דערבייא צו פֿרדיגן איז אן קענט מין מיינונג בעזיר שרייבן אין ענגילש אלש ידש דיא מלחמה ווערט גאנצ ענגילאט מכולה מאכין דיא עמיריגני האבין איין ארקה פֿון 100,000 ריקס אונ דיא ענגילשה נאר 25,000 אונ עטליכע שיפין דיא עמיריגני האבין זיך שונט גימאכט אלש וויא דיא שטעטצ פֿון האלאנד דיא אין גישלאגניגן איז איין דיקלירעשען פֿון דיא גאנצי מדינה וויא עז ווערט אויזגן הש' וויש עז דיא מלחמה דוט מיר ב'ה קיין הויז נישט איך וועלט גערין איין חילוף שיקן צו איין איז מיר אכיר נישט מיליך צו קריגן ווען אדוני ש' וויל 100 גולדין פֿר מיר אויז שיסן צו מיינה מעמה קאן איין פֿרויכרה וויא בלד אלש נאר איין חילוף קאן קריגן אויף St. EUSTATIA וויל איין מיט דאנק ערליך ביצאהלין איך האב עז ב'ה אין מין מאכט אונ איך וויש דש אימי ת' עז גאר נודיג האט איך ביטה אן אדוני ש' מיר תיקף תשובה צו שרייבן אונ אטריסירן וויא דא אין שטייט געשריבן ווייטיר קיין חדושים אישתי ובנים ש' ות' לאזן איין ביחד פֿיל מאהל גריסן ווינשה אייר גיזונדהייט אד מאה שנים פֿרבלויבה אייער פֿריינט צו דיגן ממני יונה בר פייבש זצל מבוסיק.

JONAS PHILLIPS.

[Translation.]

Philadelphia July 28th 1776

Philadelphia, Sunday, 12 Menachem Ab, 5536.

Peace to my beloved master, my kinsman, the eminent and wealthy, wise and discerning, God-fearing man, whose honored, glorious name is R. Gumpel, may his Rock and Redeemer protect him and all his family! Peace!

As it is not always possible to send a letter to England on account of the war in America, I must therefore write by way of St. Eustatia.

I have not yet had any answer to a letter of May, 1775, when I sent my master a bill of exchange for ten pounds sterling for my mother. Should that letter not have arrived, then the enclosed third bill of exchange will obtain the money, and please send it to my mother, long life to her. Should it, however, have already been obtained you need not return the bill of exchange again, and this to the wise will suffice.

As no English goods can come over at all, and much money can be earned with Holland goods if one will venture, should you have a friend who will this winter acquaint himself with the goods mentioned below, I can assure

you that four hundred per cent. is to be earned thereby. I could write my meaning better in English than Judæo-German.

The war will make all England bankrupt. The Americans have an army of 100,000 fellows¹² and the English only 25,000 and some ships. The Americans have already made themselves like the States of Holland. The enclosed is a declaration of the whole country. How it will end, the blessed God knows. The war does me no damage, thank God!

I would like to send you a bill of exchange, but it is not possible for me to get it. If my master, long life to him, will disburse for me 100 gulden to my mother, I can assure you that just as soon as a bill of exchange on St. Eustatia can be had I will, with thanks, honestly pay you. I have it, thank God, in my power, and I know that my mother, long life to her, needs it very much; and I beg of my master, long life to him, to write me at once an answer, addressed as herein written.

There is no further news. My wife and children, long life to her and them, together send you many greetings and wish you good health up to one hundred years.

You friend, to serve. From me, Jonah son of R. Feibesh [Phoebus] (the memory of the righteous is a blessing), of Busick.

JONAS PHILLIPS.

To
Mr Jonas Phillips, in Philadelphia
to the Care of Mr Samuel Curson,
Merchant in St. Eustatia
Goods that will sell to Advantage in this Place
All Sorts of Coarse & fine White Linen
Russia Sheetings
Russia Duck Coarse White thread
Ravens Duck
Russia Sail Duck
Oznabrigs
Drillings
Check Linens
Harlem Stripes
Shomoise
Ivory Combs
Needles
Pinns
Drugs & Medicines
Sewing Silks
Worsted Stockings, large
Striped Woolen Blankets
Different sorts of Woolen Goods for the Winter Season
[Endorsed]

To
Mr Gumpel Samson
Merchant
In
by Way of { Amsterdam
St Eustatia }
St Eustatia 24 Sep: 1776 Rece'd
& forwarded by
Your hum: serv:
Sam. Curson

¹² In the original the word appears to be ריקום (intended for ריקים), pl. of ריק; Judges ix, 4; xi, 3; A. V., "vain men." See John Adams, "Works," vol. iii, p. 48; Graydon, "Memoirs," p. 134 *et seq.*

[At the side]

WILLING MORRIS & C^o

Exchange for £10—Sterling— Philadelphia May 22^d 1775

Three days after Sight of this our Third Bill of Exchange, First nor Second of the same Tenor and date paid; Pay to M^r Jonas Phillips or order, Ten pounds—Sterling

Value received and place the same to Account as P^r advice from

Your most Humble Serv^{ts}:

WILLING MORRIS & C^oy

To Mess^{rs} Davis Strachan & C^o

in

London

[Endorsed]

Pay the contents to M^r Gumpel Samson
or order

Jonas Phillips ¹⁷

SAMUEL OPPENHEIM.

AN EARLY REFERENCE TO THE JEWS.

In W. Winterbotham's "An Historical, Geographical, Commercial and Philosophical View of the United States of America," ¹⁸ we find the following under the rubric "Jews":

The Jews are not numerous in the United States. They have, however, synagogues at Savannah, Charleston (South-Carolina), Philadelphia, New-York, and Newport. Besides those who reside at these places, there are others scattered in different towns in the United States.

The Jews in Charleston, among other peculiarities in burying their dead, have these: After the funeral dirge is sung, and just before the corpse is deposited in the grave, the coffin is opened, and a small bag of earth, taken from the grave, is carefully put under the head of the deceased; then some powder, said to be earth brought from Jerusalem, and carefully kept for this purpose, is taken and put upon the eyes of the corpse, in token of their remembrance of the holy land, and of their expectations of returning thither in God's appointed time.

The articles of their faith are well known, and therefore need no description. They generally expect a glorious return to the Holy Land, when they shall be exalted above all the nations of the earth. And they flatter themselves that the period of their return will speedily arrive, though they do not venture to fix the precise time.

The whole number of persons who profess the Jewish religion, in all parts of the world, is supposed to be about three millions, who, as their phrase is, are witnesses of the unity of God in all the nations in the world.

THE NEW YORK SYNAGOGUE IN 1812.

Rev. John Pierce, minister at Brookline, Mass., in his "Diary, 1809-1849," ¹⁹ writes of his attendance upon the services of the synagog in New York on December 12, 1812, as follows:

¹⁷ A similar bill is printed in *Publications*, No. 2, p. 54.

¹⁸ The First American Edition, with Additions and Corrections. 1796. Vol. I, p. 394.

¹⁹ Original in the Library of the Massachusetts Historical Society. *Proceedings*, 2d Series, vol. xix, pp. 370-1.

Dec. 12. Saturday. I attended the worship of the Jews in their Synagogue in company with the Rev. Timothy Alden. The men occupy the lower floor. The women are in the gallery, which has a breast-work as high as their chins. The men wore white sashes; had wax candles burning, and went with great ceremony to the altar to take out a scroll on which was written their law. Their exercises, consisting of prayers and singing from the Psalms and recitations from the law were performed by young and old, and altogether in the Hebrew language. They were very attentive to us; and finding that we could read Hebrew, they pointed out to us, the places from which their services were taken.

LEE M. FRIEDMAN.

MOSES ELIAS LEVY'S AGRICULTURAL COLONY IN FLORIDA.²⁰

The establishing of colonies under a single proprietor, or under a company acting as proprietor, was a favorite method in the early days of the past century of acquiring wealth. For many years Levy had a plan in mind for establishing a colony in some part of the United States, and for that purpose he became the purchaser of vast tracts of land in Florida; indeed, he must have been one of the largest landowners in that region. Besides much other property, he owned a tract of 36,000 acres (equivalent to 2½ times the area of Manhattan Island) in Alachua County where, in accordance with the terms of the grant, he was to establish a colony. This we learn from "A Letter from the Secretary of the Treasury to the Chairman on Public Lands, transmitting documents in relation to land claims in Florida, May, 1824."²¹ When Spain ceded Florida to the United States, the change in ownership resulted in many land disputes, and a commission was appointed to hear these. The proceedings in various cases which were found to be beyond the jurisdiction of the Commissioners, were sent, with their opinions, to the Secretary of the Treasury to be laid before Congress. In Levy's case the Commission states

that whatever may be the true construction of our powers, we have no difficulty in deciding in favor of the equity of Mr. Levy to have his claim confirmed to a quantity proportionate to the merit and extent of his compliance.²²

The original owners of the land, Don Fernando de la Mazo Arrendo and Son, merchants in Havana, had obtained the property in 1817 with the consent of the Indians of the Alachua district,²³

²⁰ See *supra*, p. 3 *et seq.*

²¹ Executive Document No. 156, 18th Congress, 1st Session, p. 69.

²² *Ibid.*, p. 75.

²³ *Ibid.*, p. 312; "Notices of East Florida, with an Account of the Seminole Nation of Indians, by a recent traveller in the Province," Charleston, 1822, p. 46.

from the General Superintendent of the Island of Cuba, who stipulated that they settle two hundred Spanish families upon the land within three years from the date of the grant.²⁴ Upon obtaining the property Levy gained a year's extension. Although the hostile disposition of the Indians made it exceedingly difficult, nevertheless the settlement actually began on November 12, 1820, within the time limit originally set.²⁵ At great expenditure of labor and money, several families, coming for the most part from Delaware County, New York, from New Jersey and from Europe, were established at Alachua. It has been estimated that Levy spent more than \$18,000 in settling families, building houses, clearing lands and furnishing provisions.²⁶ By 1823 there were fifty persons settled on the grant, all of whom were brought there by Levy at his own expense for the purpose of forming a settlement. For years Levy and his agents had been at work, procuring the promises of families to come to Florida as settlers; but many hesitated because of the lack of proper accommodations and necessities to make them comfortable. There were twenty-five houses erected in 1823; a road of 45 miles had been built and plans made for a sawmill; three plantations had been established on the tract of which 300 acres were cleared and under cultivation.²⁷ As a contemporary observer has expressed it:

Several gentlemen of capital.....[settled on a grant in Alachua which they] had purchased while the country was still under Spanish dominion. They also obtained a cession of it from the Indians; and having a great deal of enterprise and the necessary means were about introducing a large body of industrious settlers; by whom the wilderness will soon be converted into a smiling scene of cultivation and civilized improvement.²⁸

Mr. Levy himself said in 1823 that

the present owners of the grant consist of more than seventy individuals, most of them aciculturalists from New York, New Jersey and other parts; many rich and opulent citizens, the major part of whom became purchasers with the intention of settling on the said lands.²⁹

As to Alachua itself, one writer says that

all accounts agree in extolling the fertility of its soil, salubrity of its air, sublimity of its scenery, abundant supply of cattle and stock of all kinds,... and it is perhaps calculated than any other part of the country for the establishment of a white population desirous of agricultural pursuits.³⁰

²⁴ Executive Document No. 156, *supra*, p. 74.

²⁵ *Ibid.*

²⁶ *Ibid.*, pp. 75, 313, 343, 344, 350, 353, 355-356.

²⁷ *Ibid.*, pp. 75, 313, 323, 343, 355-356.

²⁸ "Notices of East Florida . . .," p. 46.

²⁹ Executive Document No. 156, *supra*, p. 313.

³⁰ James Grant Forbes, "Sketches, historical and topographical, of the Floridas, more particularly of East Florida," New York, 1821, p. 124.

The immediate point of settlement was at Micanope,³¹ a town which at the present time has a fair Jewish population.

Levy had agents abroad to attract settlers to his colony. One of them was Frederick Warburg to whom he talked of his project when in London as far back as 1816. In 1821, Warburg was engaged by Levy to come to Florida, and accordingly he left his home in Hamburg and migrated to this country. He remained north after his arrival here to await the coming of other families who were also going to the Alachua colony.³² He was one of the most important witnesses for Levy before the Land Commissioners. In the pedigree of the Warburg family published in "The Jewish Encyclopedia" there is no mention of a Frederick Warburg before 1840.³³

ELFRIDA D. COWEN.

FURTHER ADDITIONS TO "CALENDAR OF AMERICAN JEWISH CASES."³⁴

A case involving the rejection of an orthodox Jew as a witness is reported in *The Hoboken Observer*, January 16, 1914. It arose in the Court of Special Sessions for Hudson County, New Jersey.³⁵ It is provided by the law of Missouri³⁶ that

Every person, believing in any other than the Christian religion, shall be sworn according to the peculiar ceremonies of his religion, if there be any such ceremonies.

1906—Massachusetts. *Botkin v. Miller*, 190 Massachusetts, 411.

Suit in damages for loss of trade and injury to barber shop property of plaintiff. He was compelled by defendant and others, orthodox Jews, to resist their efforts to keep his shop closed on a high holyday. Questions of evidence examined and resolved in favor of defendant.

³¹ Report No. 236, 25th Congress, 3d Session (January 26, 1839).

³² Executive Document No. 156, *supra*, pp. 343, 355-6.

³³ Vol. xii, p. 466.

³⁴ *Publications*, No. 12, p. 87 *et seq.*; No. 13, p. 137 *et seq.*; No. 19, p. 167 *et seq.* For the Massachusetts cases cited in this memorandum I am indebted to Lee M. Friedman. He has recently published an informing paper on "The Parental Right to Control the Religious Education of a Child," in *Harvard Law Review*, vol. xxix, p. 485 *et seq.* In this the Jewish cases are collected, *ibid.*, pp. 486-7, 496, including some hitherto neglected by writers on Anglo-Jewish legal history. See *The American Hebrew*, April 10, 1914, p. 677 *et seq.*

³⁵ See *The Brooklyn Daily Eagle*, September 27, 1910.

³⁶ "Revised Statutes," 1909, vol. II, p. 2027, §6350.

1909—Massachusetts. *Saltman v. Nesson*, 201 *ibid.*, 534.

A by-law adopted by a synagogue corporation, organized under Massachusetts law, providing that divine services shall be rendered strictly in accordance with the Ashkenazic ritual and also that this enactment may not be changed save by unanimous consent obtained at a special meeting of the corporation, is unreasonable and inconsistent with the legal right of the members to control the corporate affairs. Equity will not operate to enjoin a duly-enacted alteration of this by-law.

1910—New York. *In re Kahn*, *New York Law Journal*, June 6, 1910, p. 1106 (Supreme Court, Kings County, Crane, J.).

A body may, by order of the court, be disinterred from a cemetery where the cemetery association and the surviving wife and children of the deceased consent to this action, in spite of the opposition of the owner of the plot, in this instance the religious brotherhood known as the Chebrah Kahl Adath Kurland, in which interment was originally effected. See *Jacobs v. Isaac Lodge*, No. 6, I. O. S. B., *ibid.*, December 2, 1910, p. 917 (*idem.*, Blackmar, J.); *Lohmeyer v. Salomon*, *ibid.*, July 20, 1915, p. 1513 (*idem.*, Kelly, J.); *Mitnick v. Russian Congregation* (Baltimore City Circuit Court No. 2), *The Jewish Exponent*, December 16, 1910.

1911—New York. *Clement v. De Rose*, *New York Law Journal*, March 18, 1911, p. 2565 (Supreme Court, New York County, Lehman, J.).

A building, used and maintained as an orthodox synagogue, is one exclusively occupied as a church within the meaning of the statute covering the issuance of excise licenses, despite the fact that it contained apartments for the janitor, which the latter occupied and in which, occasionally, he transacted business.

1911—New York. *Miller v. Miller*, *The American Hebrew*, February 3, 1911, p. 413 (*idem.*, Erlanger, J.).

A rabbinical divorce obtained in Russia by parties residing there is valid here. See *Rakocz v. Rakocz*, *New York Law Journal*, July 18, 1913, p. 1926 *et seq.* (*idem.*, Goff, J.); remarks of City Magistrate Cornell in *The Evening Sun* (New York), September 23, 1910.

1912—Connecticut. *Easterbrook v. Hebrew Ladies Orphan Society*, 85 Connecticut, 289.

An orphanage and home for the aged is not a business within the meaning of a restrictive covenant running with the land, and so does not come within the prohibition therein expressed.

1912—New York. *Schiff v. Adler*, *New York Law Journal*, July 31, 1913 (Supreme Court, New York County, W. Larremore, Referee).

L. 1911, c. 220, is constitutional in its retrospective operation, particularly with regard to L. 1911, c. 16, and the transfer of charitable funds.

- 1913—New York. *In re* Hebrew Educational Institute of South Brooklyn, *ibid.*, March 11, 1913, p. 2931 (*idem.*, Kings County, Kelly, J.).

The court refused to approve, under the membership corporations law, a certificate of incorporation. It was held that a proposed society to inculcate the principles of Judaism and to provide Jewish religious instruction fell within the religious corporations law as an association with a religious object. See matter of David Horodoker Benevolent Association, *ibid.*, February 11, 1915, p. 1847 (*idem.*, Kelby, J.); Matter of Young Women's Association, 169 Appellate Division (New York), 734, at p. 741 (1915); Young Women's Hebrew Association v. Sanders, *New York Law Journal*, March 29, 1916, p. 2385 (Supreme Court, Bronx County, Tierney, J.).

- 1913—New York. Reinheimer v. Standard Scale & Supply Co., *New York Law Journal*, December 27, 1913, p. 1539; *The Hebrew Standard*, December 26, 1913 (Municipal Court, Manhattan, Lynn, J.).

The absence of an employee on a certain day in order to observe the ceremonies of her faith does not justify her employer in breaking his contract of employment with her. See Greenberg v. Western Turf Association, 140 California, 357 (1903); Aaron v. Ward, 203 New York, 351 (1911).

- 1914—Alabama. National Jewish Hospital for Consumptives v. Coleman, 191 Alabama, 150.

Where a testamentary gift to a charity is ambiguous because applicable to several different eleemosynary institutions, and precisely to none of them, the religious and social affiliations of the testator and other matters germane to their nature may be enquired into, to prevent the gift lapsing and to determine who the beneficiary intended was.

- 1914—Massachusetts. Wolkovisky v. Rapaport, 216 Massachusetts, 48.

Equity will not sustain an action by a wife against a rabbi, as in the case at bar, to enforce for her benefit a trust agreement covering property which the rabbi holds to her use under a specific marital contract culminating in a contemplated dissolution of the marriage. This arrangement is altogether against public policy.

- 1914—New York. Estate of Morris Loeb, *New York Law Journal*, November 18, 1914, p. 637 (Surrogates' Court, New York County, Cohalan, S.).

The Hebrew Charities Building, incorporated by L. 1898, c. 96, is not exempt from taxation as a charitable and benevolent institution, since rent is received for its use and occupancy which may be applied to non-charitable purposes, *e. g.*, the excessive compensation of certain employees.

- 1914—New York. People v. Saruya, *The Hebrew Standard*, August 28, 1914 (City Magistrates' Court, Manhattan, Freschi, C. M.).

An observant Jew will not be held to answer a charge of violating the statute forbidding labor on Sunday where his work on that day does not

disturb the peace of his neighbors. See *People v. Dunford*, 207 New York, 17, 20 (1912); *People ex rel. Briggs v. Owen*, 92 Miscellaneous (New York), 254, at p. 258 *et seq.* (1915); *People v. Bolatnick*, *New York Law Journal*, April 4, 1916, p. 56 (County Court, Kings County, Dilke, J.); *People v. Hollender*, *ibid.*, June 11, 1915, p. 1053 (Court of Special Sessions, Brooklyn, Freschi, J.); editorials in *The New York Times*, March 24, 1907; *The Chronicle*, Spokane, Wash., June 28, 1916; *The Jewish Ledger*, November 20, 1914; a paper by the present writer on "Sunday Labor in the State of New York," in *Jewish Comment*, August 5, 1910, p. 210 *et seq.*; "Is the State Justified in Enforcing (*sic*) Sunday Observance Upon the Jews?" by Isidor S. Levitan, in *ibid.*, June 25, 1915, p. 151 *et seq.*; *Velodrome Co. v. Stengel*, 91 Miscellaneous (New York), 580 (1915); *Columbia Law Review*, vol. xv, p. 619 *et seq.*; *The Evening Journal* (Richmond, Va.), June 16, 1916; *Hiller v. State*, 124 Maryland, 385 (1914). A. S. Freidus was good enough to call my attention to Napoleon's views on Sunday laws, see Bloch's *Oesterreichische Wochenschrift*, 1888, vol. v, p. 23; Berthomieu, *Le repos hebdomadaire dans le commerce*, Paris, 1914. See, too, "Bulletin No. 45," for September, 1910, of the New York State Department of Labor, which, on p. 377 *et seq.*, contains an excellent review of the judicial decisions construing Sunday labor laws and gives a digest of these statutes in tabular form. In "Bulletin No. 49," for December, 1911, of the same series, a digest of rest-day legislation in foreign countries is printed, p. 505 *et seq.*

1914—Pennsylvania. *Felsh v. Tonkin*, *The Jewish Exponent*, December 11, 1914, p. 11 (Municipal Court, Philadelphia, Gilpin, J.).

Where a kosher butcher sued another for libel growing out of the latter's distribution of circulars declaring the former's meat to be ritually unfit for use by observant Jews, it was held that the circulars, if emanating from an ecclesiastical tribunal whose decision on the question of Kashruth is conclusive and whose validity cannot be questioned in a court of law, constituted privileged communications and were thus not susceptible of a libelous construction. See the so-called kosher law of New York, L. 1915, c. 233; *People v. Goldberger*, and *People v. Schwartz*, *New York Law Journal*, August 11, 1916, p. 1585 (Court of Special Sessions, New York, Edwards, J.).

1915—Louisiana. *Herold v. Parish Board of School Directors*, 136 Louisiana, 1034.

The reading of the Bible, including the Old and New Testaments, in the public schools of the state, is a preference given to Christians, and a discrimination made against Jews; hence the practice must be enjoined. See *People ex rel. Ring v. Board of Education*, 245 Illinois, 334 (1910); *State ex rel. Weiss v. District Board*, 76 Wisconsin, 177 (1890); *The American Hebrew*, August 6, 1915, p. 333; *The Union Bulletin*, November, 1915, p. 3 *et seq.*; *Year Book*, Central Conference of American Rabbis, vol. xxv, p. 120 *et seq.*; Moses P. Jacobson, "Is This a Christian Country?" [Shreveport, La.,] 1913, pp. 9, 16, 17. The following states affirmatively provide for the reading of the Bible in the schools: Indiana (Burns, "Annotated Indiana Statutes," 1908, vol. ii, p. 1175 §6578); Iowa ("Annotated Code," 1897, title 13, c. 14, §2805); Massachusetts ("Revised Laws," 1902, vol. i, c. 42, §19); Mississippi (Constitution of 1890, art. 3, §18); New Jersey ("Compiled Statutes," 1911, vol. iv, p. 4765, §114); North Dakota ("Revised Codes," 1905, §888); Oklahoma ("Revised Laws," 1910, vol. ii, p. 2158, §7940); Pennsylvania (Law 159 of May 2, 1913); and South Dakota ("Compiled Laws," 1913, vol. i, p. 609, §203).

1915—New York. Commonwealth Securities Co. v. West 134th Street Realty Co., *New York Law Journal*, September 29, 1915, p. 2153 (Supreme Court, New York County, Pendelton, J.).

A tenant's refusal to give possession of property to a receiver of the rents and profits thereof on the due date, is not contemptuous where this occurred on a Jewish holiday and where the surrender took place on the succeeding day.

ALBERT M. FRIEDENBERG.

THE MOHELIM OF CURAÇAO AND SURINAM, AND OTHER NOTES.

Berith Yitzchak is the title of a hand book of the Sephardic ritual for the use of Mohelim, published in Amsterdam in the year 1768. At the end of it there is given a list of the Mohelim in Amsterdam, the Hague, Naarde, London, Hamburg, Bayonne, Curaçao and Surinam.

According to this list there were in Curaçao in 5492 (1732) the following Mohelim:

1. Ishac Henriques Ferreyra; 2. Ishac Curiel; 3. Ishac Haym Rodrigues da Costa; 4. Jahacob Levy Maduro; 5. Ishac de Jahacob Levy Maduro; 6. Abraham de Mordechay Senior; 7. Saul Ydanha de Casseres; 8. Josiau Ydanha de Casseres.

Of these, (1) was one of the married members of the Curaçao Hebra or Burial Society in 1783; (2) was the father of Josseph Curiel, another of the members of the Burial Society; (4) was probably the father of (5) who was one of the Mahamad of the Congregation in Curaçao in 1783; (6) seems to have been related to Mordecay Haim Senior one of those who petitioned the Congregation for the creation of the Burial Society, and (7) and (8) were related to Semuel Idanha de Casserez another of the members of the Society in 1783.³⁷

The Mohelim in Surinam, at approximately the same period, were the following:

9. Jahacob Mendes Meza; 10. Ishac Nassy; 11. Daniel Messias Penso; 12. Abraham Fernandes; 13. Semuel de Selomoh de la Pära; 14. Hazan Eliezer a Cohen; 15. Jahacob Ymanuel Levy.

(9) was a member of a prominent family in Surinam at the time. The Hazan of the Congregation was David Mendes Meza. In 1695 he gave 100 lbs. of sugar towards the founding of a hospital in Paramaribo.³⁸ He figures as a witness to a wedding on 30 Kislev,

³⁷ For all these see Pool, *Publications*, No. 22, pp. 169, 170.

³⁸ Roos, *ibid.*, No. 13, p. 131.

5489 and again on 10 Adar, 5492.³⁹ His son Abraham Hisquiau Mendes Meza married on 14 Tishri, 5491⁴⁰; his daughter Lea married on 24 Tishri, 5494,⁴¹ and another daughter, Abigaël, married Ishak de David *de* Meza on 5 Sivan, 5466,⁴² apparently the same as the Is. de David d' Meza figuring on the Surinam map of *circa* 1750, to which Prof. Richard Gottheil has called attention, as the owner of plantation 69.⁴³ He was possibly also the same as Ishak de David Meza, the owner of plantation 21.⁴⁴ Although the dates would, therefore, seem to favor the identification, we probably may not identify this Jacob Mendes Meza (9) with the Jahacob son of Rabbi David de Meza who married on 20 Elul, 5494.⁴⁵ Hazan David *Mendes* Meza was most probably not the same as Rabbi David *de* Meza. In the list published by Roos, both David Mendes Meza and David de Meza are mentioned.⁴⁶ The identity of (9) therefore remains uncertain.

(10) was probably the same as the Isaac Nassy, who was one of the delegates to Holland in 1751,⁴⁷ and possibly the same as the Isaac Nasci referred to by Malouet as an extraordinary man of great learning.⁴⁸ Isaac Nassy was possibly the father of David Nassy, author of the *Lettre politico-theologico-morale sur les Juifs*.⁴⁹

(11) was almost certainly the Daniel Messias Penso who married Abigail de Britto.⁵⁰ Other members of the family known to us are Jahacob Messiah Penso, witness to a wedding on 15 Adar I, 5478,⁵¹ and Ester his daughter who married Abraham Hisquiau Mendes Meza, 14 Tishri, 5491. When the map of *circa* 1750 was made, plantation 59 was held by the heirs of Mess. Penco.⁵²

The father of (13) was Selomoh de la Parra who married Ribca Arrias,⁵³ and who figures as witness to a wedding on 8 Elul, 5466, and again on 1 Cheshvan, 5468.⁵⁴ Of Semuel, (13), his son, we know that he gave 710 lbs. of sugar towards the founding of a hospital in Paramaribo in 1695.⁵⁵ We learn also that he married Rachel de David de Meza on 14 Tishri, 5467.⁵⁶ We find him witnessing marriages on 12 Tishri, 5481, 2 Sivan, 5484 and 13 Ab,

³⁹ Hilfman, *ibid.*, No. 18, pp. 201, 203.

⁴⁰ *Ibid.*, p. 202.

⁴¹ *Ibid.*, p. 204.

⁴² *Ibid.*, p. 193.

⁴³ *Ibid.*, No. 9, p. 134.

⁴⁴ *Ibid.*, pp. 130, 132.

⁴⁵ *Ibid.*, No. 18, p. 204.

⁴⁶ *Ibid.*, No. 13, p. 131.

⁴⁷ *Ibid.*, No. 16, p. 11.

⁴⁸ *Ibid.*, No. 3, p. 129 *et seq.*

⁴⁹ *Ibid.*, No. 22, pp. 25-28.

⁵⁰ *Ibid.*, No. 19, p. 187.

⁵¹ *Ibid.*, p. 196.

⁵² *Ibid.*, No. 9, p. 131.

⁵³ *Ibid.*, No. 18, p. 190.

⁵⁴ *Ibid.*, p. 193.

⁵⁵ *Ibid.*, No. 13, p. 132.

⁵⁶ *Ibid.*, No. 18, p. 193.

5484.⁵⁷ His daughter Rahel married Jahacob son of Rabbi David de Meza, 20 Elul, 5494.⁵⁸ Ester, a daughter of Selomoh de la Parra, and apparently therefore sister of Semuel de la Para, married on 29 Elul, 5469.⁵⁹ Another sister, Rahel, married on 13 Sivan, 5478,⁶⁰ and a brother David married on 16 Sivan, 5471.⁶¹ This brother David also figures as a marriage witness on 12 Cheshvan, 5484 and 14 Tishri, 5491,⁶² and appears on the map of *circa* 1750 as the owner of the two plantations 28 and 29.⁶³ When this map was made, the plantations of Semuel de la Para (34 and 40) were held by his widow.⁶⁴ A Selomoh de la Parra, probably son or nephew of (13) was the leader of the Jews who were very heartily received in the Bush Negro Village in 1761.⁶⁵ I cannot identify (14) and (15). Prof. Gottheil's name list,⁶⁶ Rev. P. A. Hilfman's list of marriages⁶⁷ and this list of Mohelim when taken together give material for reconstructing the Surinam Jewish community at about 1750.

* * *

THIS INDENTURE, made the twelfth day of December in the year one thousand eight hundred and thirty-seven BETWEEN Edmund Bruyn of Wawarsing County of Ulster and the State of New York of the first part and Marcus Van Gelderen of the City and County of New York and State aforesaid of the second part WITNESSETH, That the said party of the first part, for and in consideration of the sum of three hundred and twenty seven dollars and eighty cents lawful money of the United States of America, to him in hand paid, by the said party of the second part, at or before the ensealing and delivery of these presents, the receipt whereof is hereby acknowledged, hath granted, bargained, sold, aliened, remised, released, conveyed and confirmed, and by these presents doth grant, bargain, sell, alien, remise, release, convey and confirm to the said party of the second part and to his heirs and assigns forever, ALL those several lots and parcels of land herein after designated and described situate in the town of Wawarsing County of Ulster State aforesaid in a tract of land commonly called and known by the name of Bruyn's tract of land, North-westerly of the dwelling house and saw mill of the said Edmund Bruyn and about the place commonly known by the Terwilliger lot and being part of a location surveyed plotted and marked out into lots and numbered by Jacob Chambers Esq on the 22 day of November 1837. The said lots hereby conveyed are designated in the map made by said Jacob Chambers Esq and numbered as lots numbers Forty Eight, Sixty three, fifty five, fifty six, Seventy three, Seventy four, sixty nine and Seventy of the Sholem tract or location and number three in Sholem village containing about 32 7/10 acres of Land. TOGETHER with all and singular the tenements, hereditaments

⁵⁷ *Ibid.*, pp. 197, 198.

⁵⁸ *Ibid.*, p. 204.

⁵⁹ *Ibid.*, p. 193.

⁶⁰ *Ibid.*, p. 196.

⁶¹ *Ibid.*, p. 194.

⁶² *Ibid.*, pp. 198, 202.

⁶³ *Ibid.*, No. 9, p. 131.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*, No. 16, p. 12.

⁶⁶ *Ibid.*, No. 9, p. 134.

⁶⁷ *Ibid.*, No. 18, pp. 186-207.

and appurtenances thereunto belonging, or in anywise appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof: AND, also, all the estate, right, title, interest, property, possession, claim and demand whatsoever, as well in law as in equity, of the said part of the first part, of in or to the above described premises, and every part and parcel thereof, with the appurtenances TO HAVE AND TO HOLD all and singular the above mentioned and described premises, together with the appurtenances unto the said party of the second part and his heirs and assigns, for ever. AND the said Edmund Bruyn for himself and his heirs, the said premises, in the quiet and peaceable possession of the said party of the second part his heirs and assigns, against the said party of the first part, his heirs, and against all and every person and persons whomsoever, lawfully claiming or to claim the same, shall and will WARRANT and by these presents for ever DEFEND.

IN WITNESS WHEREOF, the said party of the first part, hath hereunto set his hand and seal the day and year first above written.

Sealed and delivered in the presence of

T. VAN GANSBEEK JR.

EDMUND BRUYN (Seal).

Ulster County:—On the 12th day of December 1837 before me came Edmund Bruyn known to me to be the individual described in and who executed the within conveyance who acknowledged that he executed the same.

T. VAN GANSBEEK JR.

Commissioner of Deeds.

Ulster County Clerks office

Recorded in Book No 49 of Deeds on page 714 & 715 the
fifteenth day of Dec. 1837 at 12 o'clock noon.

CHAS. W. CHIFF. Clerk.⁶⁸

* * *

BY DE WITT CLINTON,

Mayor of the City of New-York:

To all to whom these presents shall come, greeting:

KNOW YE, THAT Judah Lyons⁶⁹

having made satisfactory proof before me that he hath resided in the State of New York—during one year next preceding the date hereof, and that during the said time a female Slave called Josina Aged twenty four years, hath been the property of him the said Judah Lyons—and that he is about permanently to remove from the State of New York to Surinam I DO THEREFORE, by virtue of the Authority in me vested, by the Act Entitled, "An Act concerning Slaves and Servants" authorize and licence the said Judah Lyons to carry the said Slave with him out of the said State.

IN WITNESS WHEREOF, I have hereunto Subscribed my Name and caused the Seal of the Mayoralty of the said City to be affixed the thirty first day of July-1805.

(SEAL)

DEWITT CLINTON.

D. DE SOLA POOL.

⁶⁸ This indenture supplements the note on the Jewish Colony of Sholam in No. 23 of these *Publications*, pp. 178, 179.

⁶⁹ Judah Lyons was the father of Rev. J. J. Lyons.

SOME REVOLUTIONARY LETTERS.⁷⁰

CAMP 18th July 1780

Sir

By Col^l Smith I send you 4000 dollars which is short of the Sum I received of Mr. Morris by one thousand. I shall in a day or two Send you the rest. I unfortunately on my Journey from Philadelphia incurred some necessary expenses on account of one of my Horses giving out & being obliged to procure another, nothing but the exigency of the Case would have induced me to make use of your Money, but without doing it I could not come on to Camp— Col^l Smith will also deliver you a Bundle of Plumes & Cockades— Mrs. Morris & the Ladys of your acquaintance at Philadelphia desire the Compliments to you & I am S^r. with great Respect

Your most ob^t Hu^l^e S^t.DAV^d S. FRANKS

[Endorsed :]

Major Franks
Hon^{ble} Maj^r Gen^l.
Baron Steuben
West Point

Col^l Smith

* * *

D^r Sir

The Bearer will deliver you two Horse thieves, he & two more are evidence against them—one of the Rogues Akely is a notorious villain & if not properly secured will make his Escape.

I am D^r S^rYour hum S^t

H^dQ^r^s 15th Aug^t 1780 ⁷¹
C^o Lamb

D S FRANKS ADC

* * *

HEAD QUARTERS ROBINSON HOUSE 16th Aug^t 1780

Sir

The General requests you would be so kind as to order the Ten Seamen returned in the Massachusetts Line to be draughted & put under the direction of the Quarter Master, for the purpose of assisting to transport the flour to Albany.

No more Men can by any means be taken from the Garrison, as it will be greatly weakened by a draught of 200 Men who are to go up the River to be employed under Col^l Hay to cut Wood for the Garrison.

I am fully of your Opinion, that a small Vessel will be much better to transport the flour & have recommended it to the Q^r Master, by the Gen^l^s Order

I am D Co^lYour very Hum S^tDAV^d S. FRANKS ADCCo^l Lamb

* * *

WESTPOINT Sep^r 15th 1780

Sir,

The Officer which was sent to me this day with a party of men to unload hay, has been Absent from his party several Hours, the men have done

⁷⁰ The original of the following is to be found in the second volume of the Steuben Papers at the New York Historical Society. A rectigraph copy of it and of the other letters printed here has been obtained through the courtesy of Mr. Robert H. Kelby, Librarian of the Society.

⁷¹ The originals of this and the next two letters are to be found among the Lamb Papers, at the New York Historical Society.

nothing of any consequence to day, I am informed he is diverting himself at long bullets in garrison. I wish he might be brought to answer for his conduct—

I am Sir with Respect, your
Most Obedt & Very Huml Servt

ISAAC FRANKS
G F M

Colo Lamb Comdt West point
[Endorsed:]

on service
Coll Lamb Commanding
West point.

* * *

BALTIMORE TOWN 25 May 1775

Dear Sir

I am first to apologize for my want of good nature, Politeness, and every valuable qualification to render me worthy of the tribute you have paid in your endeavors to establish a correspondence, believe me Sir I should with pleasure have answered your Several favours but my mind has been so Agitated for some time past with the Various Scenes of British Policy that could think of nothing else. your Sentiments are so generous and liberal in favour of America, that if you had no other Merit that alone would lead me to gratify you in every intelligence in my power. have now sent you some papers tho they are old to us, yet as you may not see a Variety of Papers in your Country you may find something entertaining. the Philad Post this morning brings nothing new, nor does any thing Transpire from the Congress tho it is Sayd a general None Exportation (Tobacco excepted) will take place the 20th July, if the act of Parliament restraining the Trade to Brittain Ireland and the english West Indies that we have been expecting for some time past should be in force

hope you recd by David Johnston of Virginia Waggoner a small box with sundrys as p^r bill inclosed you then £6.1.11 but omitted to charge the medicins which I paid William Richards £2.-.8 as p^r bill now inclosed, which with what you had in August last £14.- amounts in the whole to £9.-6.-7. the Mandant Drops had of Dr Bass but as they were so high pric'd did not chuse to bring any more without your further direction

Whenever it shall be convenient there is none of my family but will Embrace the first opportunity of Spending Sometime with you Mrs Gates and Master Bob you all have their best wishes and as a proof of mine shall neglect no opportunity that can contribute to the Budget of your Weekly post, being very affectionately Dear Sir

Your Obedt humble Servt

BENJAMIN LEVY

Since writing the above have been on the Enquiry for News and have mett with the inclosd last Mondays New York Paper
Major Horatio Gates.⁷²

SAMUEL OPPENHEIM.

⁷² The original is to be found among the Gates Papers, Miscellaneous, at the New York Historical Society.

NECROLOGY.

MENDES COHEN.

Mendes Cohen, born in Baltimore, May 4, 1831, died August 13, 1915, was one of the finest examples and the highest type of Jew that has been produced upon American soil. Born of a family which settled in Pennsylvania in 1773, and afterward moved to Virginia and later to Maryland, whose members participated in trade and commerce and banking, who took part in the War of the Revolution, and the War of 1812 in defence of their country, whose representatives fought and won the fight of religious liberty in Maryland, were pioneers in medicine and in scientific collections as widely diverse as Egyptology and Continental Currency, he was a worthy member of this eminent group.

He was a just man who always did right and thought straight. He had a personality which commanded and received respect. His first work was as apprentice machinist in the Baltimore locomotive works of the famous Ross Winans, builder of many early American locomotives. In 1851 at the age of 20 years, Mr. Cohen was appointed one of the assistants to the Engineer of the Baltimore & Ohio Railroad on work connected with the construction of the Broad Tree Tunnel.

On the completion of this work he was transferred to the motive-power department of the railroad. Two important duties were assigned to him during this period—the adaptation of the wood-burning passenger locomotives to coal burning and the handling of traffic on the famous 10 per cent. temporary grade over the Kingwood Tunnel, a remarkable achievement in railway operation.

At 24 years of age he became assistant superintendent of the Hudson River Railroad, with which company he remained until 1861, when he succeeded Gen. George B. McClellan as

operating head of the Ohio & Mississippi Railroad, first being superintendent and later president and superintendent. During this period he, with Octave Chanute, played an important part in the difficult problem of the transportation of troops. About the close of the year 1863 Mr. Cohen retired from this position and for a short time was connected with the Philadelphia & Reading Railroad.

From 1868 to 1871 he was comptroller and assistant to the president of the Lehigh Coal & Navigation Co. In 1872 he was chosen president of the Pittsburgh & Connellsville Railroad which was subsequently consolidated with the Baltimore & Ohio Railroad system. During 1892-93 he was president of the American Society of Civil Engineers, and in 1894 President Cleveland appointed him a member of the board to report upon a route for the Chesapeake & Delaware Ship Canal.

He carried on his profession as a civil engineer in the early pioneer days when the paths had not yet been smoothed out and had the privilege of participating in carrying the first line of railroad across the Allegheny Mountains.

Though he was president of a railroad, without the slightest hesitation and without any thought of his career, he resigned that presidency when he found that the figures that he had furnished to the associated roads had been altered in a presentation to the stockholders. From that time on he never followed any gainful pursuit and devoted himself entirely to the welfare of the City of Baltimore and to the studies in which he was greatly interested. Through his ability and persistence the modern system of sewerage in the City of Baltimore was adopted and put into effect. He was greatly interested in history; was a faithful member of the Maryland Historical Society; acted for many years as its secretary and president, and did much to encourage the scientific labors of its members and to forward its publications, among the most splendid of the collections issued by any state historical society. During

that period of lack of respect for archives, when national and state records were plundered by private collectors, the records at Annapolis also suffered. With great pains and care he traced a great many documents and letters which had been removed from the collections, purchased them at private and public sale and restored them to the State.

He was very much interested in the American Jewish Historical Society, one of its founders, and for a long time a member of its executive council and one of its vice-presidents. He made a number of gifts to its collections and always had a deep and sincere interest in its welfare and a belief in its usefulness, and this coming from a man whose judgment was cool and steady served as a great incentive to those of us who may have occasionally been influenced by our enthusiasm.

He had a wide general cultivation and took an interest in all the art, musical and intellectual pursuits of his fellow-citizens in Baltimore and of the institutions which fostered these purposes. He was a member of the Municipal Art Commission of Baltimore and a trustee of the Peabody Institute. He was thoroughly devoted to Judaism, living without any claim of righteousness a thoroughly observant Jewish life and his home was a sanctuary of this life.

No man in Baltimore was better known, nor more profoundly admired, and the good qualities of his head were more than equaled by the good qualities of his heart which caused him to bestow his beneficence in many directions.

He lived his full life of more than four score, with the exception of a brief illness, in vigor and capacity for work, and although his friends realized that when the time came he must go the way of all flesh, it seemed especially hard that this splendid frame could be shattered by illness.

It was an honor and a privilege to have the acquaintance and to enjoy the friendship of such a man.

CYRUS ADLER.

ALBERTO CARLOS DA SILVA.

Alberto Carlos da Silva, a corresponding member of this Society, was born at Lisbon, Portugal, October 27, 1850. He was the eldest son of Francisco Arthur da Silva, a bookseller, and his wife D. Adelaide Elisa Trindade.

He began his public career as *Official* of the *Bibliotheca Nacional de Lisboa* on December 29, 1887, and, on November 27, 1902, was promoted to be *Primeiro-Conservador*, in which post he continued until his death in May, 1912. His remains were buried in the Western Cemetery of Lisbon.

In his last years he pursued the practice of collecting rare books written by Portuguese Jews, most of which he gathered in England, Germany and Holland. His aid was loyally given in the preparation of the writer's *A Exposição Petrarchiana da Bibliotheca Nacional de Lisboa: Catalogo summario*, published in 1905.

XAVIER DA CUNHA.

NICHOLAS DARNELL DAVIS.

When, on September 29, 1915, at Bath, England, N. Darnell Davis, C. M. G., sunk into his final sleep, there passed away one of the most active and interested corresponding members of this Society.

Darnell Davis was born in Grenada, B. W. I., on February 4, 1846. He served there for some years in the office of the private secretary to the governor, and later became private secretary to the administrator. From 1866 to 1873 he was connected with the local government of British Guiana, 1874 to 1876 civil commandant at Sherbro, Sierra Leone, and 1876 to 1908 postmaster-general and later on auditor-general of British Guiana. In the last-mentioned year he retired from the British Colonial Civil Service, having previously on occasion acted also as government secretary and deputy governor.

His leisure moments were devoted to historical research, and he made himself one of the greatest authorities on the history of the West Indies. He was a voluminous writer on his chosen subject, and contributed several papers and many notes on the Jewish aspects of it to the *Publications* of this Society.

I knew Mr. Davis only by correspondence and his letters to me, as well as to Mr. Max J. Kohler, my predecessor in office, were filled with useful information and valuable suggestions. One of his cherished projects—to secure copies of the inscriptions in the Jewish graveyard of Nevis, B. W. I.—was rendered impossible of fulfillment by reason of the illness which finally caused his demise.

In his departure this Society, together with the Royal Colonial Institute and the West India Committee of London, loses an able co-worker.¹

ALBERT M. FRIEDENBERG.

SOLOMON FOX.

The Cincinnati Jewish community lost one of its foremost members when Solomon Fox passed to his eternal reward on September 25, 1915. He was a resident of Cincinnati since 1866, in which year he arrived in this country from Europe. He was born in St. Georg, Austria, on July 12, 1846. He was associated with his brothers in the diamond and jewelry business from the time of his arrival in Cincinnati to the day of his death.

¹ Obituary notices of Mr. Davis may be found in *The West India Committee Circular*, October 5, 1915, p. 439; *United Empire*, vol. vi (N. S.), p. 850 (November, 1915). Mr. Frank Cundall, F. S. A., kindly drew my attention to an "appreciation" of the late Darnell Davis, by his old friend and collaborator, J. Graham Cruickshank, which was published in *The Daily Argosy*, Demerara, November 4, 1915.

Solomon Fox was a man of rare public spirit, lofty character and marked generosity. He gave of himself and his time without stint to the furtherance of the welfare of our religious and educational institutions. He served as president and as member of the board of trustees of the Bene Israel Congregation for many years. He was chiefly instrumental in securing the funds for the erection of the beautiful temple of the congregation at Rockdale and Harvey Avenues, Avondale, which was dedicated in September, 1906.

He was a member of the executive board of the Union of American Hebrew Congregations and was chairman of the board of managers of its Department of Synagogue and School Extension. His unflinching interest in this work contributed largely to its success. He was treasurer and one of the moving spirits of the committee that had in charge the great task of building the handsome new structures of the Hebrew Union College. His enthusiasm was contagious; in his simple, unostentatious and yet effective way he did with his whole heart whatsoever his hand found to do.

He was one of the kindest of men. He made for himself a large place in the life of the community. No good cause appealed to him in vain. His memory is indeed a blessing!

He was in his seventieth year when his earthly career was closed. He is survived by his widow, two sons, Burton and Edgar, and two daughters, Mrs. Millard W. Mack, of Cincinnati, and Mrs. Julian W. Mack, of Chicago.

DAVID PHILIPSON.

ADOLF GUTTMACHER.

Adolf Guttmacher, who was a member of the American Jewish Historical Society almost from its very beginning, was born at Jaraczewo, Germany, January 7, 1861. His parents, Manheim and Dorothea Guttmacher, transmitted to him by

way of example and training their genuine Jewishness, which asserted itself in his early desire to enter the Rabbinate.

His elementary instruction Adolf Guttmacher received originally in his native town and subsequently at Breslau and Berlin. He came to America in 1884 and settled at Athens, Ohio, where at a local college he assisted in teaching French and German. The same year he moved to Cincinnati entering simultaneously the University of Cincinnati and the Hebrew Union College. He graduated from both institutions in the year 1889, receiving from the former the Bachelor of Arts degree and from the latter his Rabbinical ordination.

Adolf Guttmacher's first pulpit was that of the Achduth Veshalom Congregation of Fort Wayne, Ind. In August, 1891, he was called to the pulpit of the Baltimore Hebrew Congregation, Baltimore, Md. During his ministry of twenty-four years in Baltimore he found time for many responsibilities other than those which his pulpit enjoined. Having pursued a post-graduate course in Semitics at the Johns Hopkins University, Adolf Guttmacher was in 1900 awarded the degree of Doctor of Philosophy upon the presentation of his dissertation entitled "Optimism and Pessimism in the Old and New Testaments." In the early days of the *Jewish Comment* he was one of the editors of this journal. For several years he was also vice-president of the Hebrew Education Society and an advisory of the Daughters in Israel. At the time of his death he was president of the Jewish Home for Consumptives, an executive of the Federated Jewish Charities, secretary of the Eudowood Sanitorium, a member of the board of directors of the Maryland Prisoners' Aid Association and on the board of the Maryland Society for the Protection of Children from Cruelty and Immorality, all Baltimore institutions.

In addition to serving these institutions he was for a long while a member of the *Gesellschaft zur Förderung der Wissenschaft des Judentums*, the *Alliance Israélite Universelle*, the

American Oriental Society, the Alumni Association of the Hebrew Union College and the Central Conference of American Rabbis. In July, 1914, the Alumni Association of the Hebrew Union College elected him its president. For the Central Conference of American Rabbis he did most valuable work. As its recording secretary for two years, he coöperated in the editing of two of the Year Books of the Conference (vols. xiii and xiv), and of the publication on the Synod. Latterly, when he was made chairman of the publication committee of the Conference, he saw the "Union Hagadah" and "Prayers for Private Devotion" through the press.

Besides his thesis for the doctorate Adolf Guttmacher published a "History of the Baltimore Hebrew Congregation" (1905); "A Sabbath School Companion for Jewish Children" (1907); and "The Perpetual Light—Prayers and Meditations on Death for Home and Burial Ground" (1913). He contributed several articles to *The Jewish Encyclopedia*. A number of sermons from his pen appeared in the Jewish press.

Adolf Guttmacher married Laura Oppenheimer, of Fort Wayne, June, 1892, who, together with a daughter and two sons, survives him. Adolf Guttmacher was called to his eternal reward on January 17, 1915. As preacher and as man he answered the requirements of the Lord. He did justice. He loved kindness. He walked in humility before his God.

WILLIAM ROSENAU.

DAVID HUTZLER.

David Hutzler was born in Baltimore, Md., June 13, 1843, and lived in the city all his life. His death occurred while he was still engaged in conducting the business he had helped to establish fifty-seven years ago, and while the public accounted him as one of the foremost among the active merchants of the city and one of its best-known citizens.

Mr. Hutzler was educated in the public schools of Baltimore, and at the early age of fifteen entered business with his elder brother, Mr. Abram G. Hutzler, the sole survivor (1916) of the three brothers, who for so many years as Hutzler Brothers were known throughout the city and elsewhere as merchants of the highest standing, as much interested in the development of their city, and of its people, as in the growth of their own large interests.

It was characteristic of the solid and fundamental way that marked the activities of the Hutzler Brothers, that the large business, the outgrowth of over a half-century of honorable trade, should be conducted on the same spot where in 1858 it began. The place has expanded, modern methods and inventions have all been drafted into service, but the foundations were laid broad and deep at the beginning, and have been adequate to the imposing superstructure that has been built upon them.

Early in his career David Hutzler evinced an interest in public affairs, and there is hardly a movement for the betterment of conditions, for the improvement of public service, for the advancement of education, for the support of art and music, with which his name was not intimately connected. Indeed, when a representative non-professional man was required for any large public service, the name of David Hutzler rose perhaps oftenest in the mind of the citizens of Baltimore, Christian as well as Jewish, as the person best fitted for the place, both by reason of his ability and experience and of his strong desire to serve his city and his fellowmen.

In the world of business the range of his activities is shown as vice-president of the Board of Trade and chairman of its committee on municipal affairs, as committee chairman of the National Board of Trade, director of the Merchants' and Manufacturers' Association of Baltimore, of the National Mechanics Bank, of the Eutaw Savings Bank and of the Fidelity and

Deposit Company. He was active in forming a Municipal Research Committee, which helped to install the system of accounting now used by the city, and he devoted much time and labor to urging one-cent postage for first-class matter, and also the parcels-post, which he advocated with cogent argument and convincing statistics.

Resolutely refusing political office, Mr. Hutzler was always willing to place his abilities at the service of city and state. He served on the New Charter Commission, which gave Baltimore the first opportunity to manage its affairs in a modern way; and after the great fire in 1904 he acted as treasurer of the Special Relief Committee, which so wisely performed its duties that it could return to the city six-sevenths of the money appropriated for relief. A similar public spirit prompted him to become, at the request of Sir William Osler, the first treasurer of the Maryland Society for the Relief and Prevention of Tuberculosis; to be one of the largest contributors and most earnest workers for the endowment fund for Johns Hopkins University and for a similar fund for Goucher College; to interest himself in the Municipal Art Society and in countless organizations the object of which was to make the city a better and more beautiful place to live in.

The charities found in him a sincere supporter, and he served at one time on the Maryland Board of State Aid and Charities, and was a member both of the State Conference and the National Conference of Charities and Correction. He was a staunch supporter of the Federated Jewish Charities of Baltimore, and at one time was a member of its board of directors; as director and afterwards president of the Hebrew Orphan Asylum he served over a quarter of a century. In all the numerous movements for the extension and the increased support of the Jewish charities, he was a ready and generous contributor, and the same was true in reference to all movements of a similar nature, whether designed for the general good or even for the benefit of sectarian or other group interests.

As an ardent advocate of peace, he acted as a delegate to the Peace Conference between Great Britain and the United States, held in Washington in 1901. Later, in 1907, he represented Baltimore at the Peace Conference in New York City. He was in Europe when the war broke out, and he returned saddened by the clash of arms and the triumph of the military spirit.

He was a notable figure in social life, and his friends and acquaintances were drawn from an unusually wide field. When quite a boy he assisted in the formation of the Harmony Circle, a Jewish social organization which has flourished for over fifty years, and has attained distinction as a high type of its class. At one time he was president of the Phoenix Club, and he held high offices in the Masonic fraternity.

For many years he was one of the most active members of the Har Sinai Congregation, and he showed his interest in Jewish affairs by his participation in the various movements having for their purpose the development and elevation of the Jewish people.

Personally, Mr. Hutzler presented a striking and dignified figure. One saw in him at a glance a man devoted to the higher interests of men and affairs. In personal relations he was affable and considerate, though he maintained opinions that he had formed after due consideration. His family life was that of a man who consciously held through life to high ideals. Vigor and alertness, mental and physical, were outstanding characteristics, so that though he exceeded the Psalmist's "three score years and ten," he never created the impression of an elderly man. On the contrary, he had life abounding, which impelled him to the last to consider with interest every public problem, to travel with zest, and to read with enthusiasm. He was keenly alive to the movements and currents of his time; he absorbed their meaning, and became the champion of those he approved.

In his home the natural dignity of the man relaxed into that intimate comradeship which is the essence of domestic felicity. Wife, children and grandchildren were merged into one happy family, trusting, helpful, stimulating to each other, all animated with a spirit of culture, of alertness, of progress, of service, forming a group whose devotion among its members was equalled only by its deep concern for the best interests of the community at large.

Merchant, citizen, friend, Jew, in each capacity showing an exalted conception of duty as well as ability to conceive and execute, David Hutzler was a notable example of the solid right-thinking and far-seeing men, who probably contribute more than any other class to communal and municipal progress. When the time comes to consider the forces that went to the making of Baltimore during the last generation, it will be found that David Hutzler's contribution was as generous as it was useful and elevating.

David Hutzler died January 21, 1915, and was survived by his wife (who was Ella J. Gutman, married February 25, 1874) and five children, Cora R. (Mrs. Henry) Oppenheimer, Theresa G. (Mrs. Jacob H.) Hollander (since deceased), Mabel, Albert D., and Joel G. D. Hutzler. The interment was in the Har Sinai Cemetery.

LOUIS H. LEVIN.

JOSEPH JACOBS.

Joseph Jacobs was one of the important figures in the Jewry of our age. Born in New South Wales, educated in England, living there until his forty-sixth year, settled in this country during the last sixteen years of his life, he was in himself a type of the humanity and universality of the Jewish people.

He was born at Sydney on August 29, 1854, and died at Yonkers, N. Y., on January 30, 1916, in the sixty-second year of his age.

His life was thus sharply divided into three periods. Of his first—the stage of juvenile preparation—we know nothing. At an early age, probably in his eighteenth year, we find him at the University of Cambridge, at St. John's College. His degree of B. A. he took in 1876, being the senior moralist of the year. At the University he appears to have been keenly interested in mathematics, in history, in philosophy, in anthropology and in general literature.

These interests, as he developed, took shape in two distinct lines of mental activity, literature and anthropology, of which folk-lore is an important part. For the former, whoever may have been his living preceptors, he sat at the feet of the great masters from Chaucer to Browning. He was at home in the whole field of English literature, and loved its masterpieces in prose and poetry. He wrote with ease and grace, so that even his researches in matters of pure science were free from the stiffness commonly ascribed to the average professor's style.

Had he followed literature as a career, he might have attained a high place in the illustrious roll of honor of Britain's literary worthies. One has but to read the specimens embodied in his "Essays and Reviews," London, 1891, to be convinced of his marvelous powers of thought and diction.

Fate, however, determined otherwise. In the very year of his graduation, 1876, George Eliot's "Daniel Deronda" was published. It ventured to treat a great Jewish problem with understanding and sympathy. That this might not rouse the enthusiasm of critics the authoress well knew. On December 1, 1876, she writes in her journal:

I have been made aware of much repugnance or else indifference towards the Jewish part of "Deronda," and of some hostile as well as adverse reviewing. . . . Words of gratitude have come from Jews and Jewesses, and there are certain signs that I may have contributed my mite to a good result.

That the hostility of the criticisms on "Daniel Deronda" grieved George Eliot is doubtless true, notwithstanding her assertion that she never read criticisms of her works. There are always good friends who spare us the labor of reading disagreeable things by telling us of them with painful fidelity.

To the fresh and youthful mind of Jacobs the practical unanimity of hostile criticism conveyed the message that even in his beloved England there was a strain of Jew-hatred, unconscious perhaps, but widely prevalent.

Under the stress of this feeling he wrote the critical essay entitled "Mordecai," which appeared in *Macmillan's Magazine*, June, 1877. It is one of the series afterwards published under the title of "Jewish Ideals," Macmillan & Co., 1896. As the production of a youth fresh from college, it is a marvelous piece of work, displaying wide knowledge and deep thought in language at once apt and noble.

Under the spur of the feeling which produced "Mordecai," he went in the same year to Berlin and there studied Jewish literature and bibliography under Steinschneider and Jewish philosophy and ethnology under Lazarus.

When he came back to England he turned to anthropology, under the guidance of Sir Francis Galton. In the pursuit of this study his interest in folk-lore increased and he pursued the subject earnestly, never, however, allowing his attention to the Jewish side of the subject to flag.

With interests so wide, an intellect so keen, and a pen so ready his literary productivity was naturally great. His published writings, numerous as they are, give but an imperfect idea of Jacobs' phenomenal industry. While engaged in these serious studies he did an enormous amount of practical work. From 1878 to 1884 he was secretary of the Society of Hebrew Literature. When Russia, in 1881, began her present cruel persecution of the Jews, it was Jacobs who, in *The Times* (London) of January 11 and 13, 1882, drew the attention of

Europe to this new development of barbarism. The result was the Mansion House meeting of February 1, 1882, and the formation of the Mansion House Fund and Committee, whose secretary he was from 1882 to 1900.

He was, too, very active in promoting the Anglo-Jewish Historical Exhibition of 1887, was the honorary secretary of its literature and art committee, and in that capacity compiled (with Lucien Wolf) its excellent catalogue. That exhibition, held in the Royal Albert Hall, London, also resulted in a series of publications of papers of great historic value, in which he took a leading part. Especially important was the "Bibliotheca Anglo-Judaica," mentioned above, a work which in the language of Dr. Israel Abrahams "has been the inspiration of all subsequent researches in that field."

In 1888 Jacobs visited Spain for the purpose of investigating the MS. sources of the history of the Jews of that country, on which occasion the Royal Academy of History at Madrid elected him a corresponding member. His noteworthy discourse at his reception into that society is the last article in his book entitled "Jewish Ideals," *supra*.

In 1891 he wrote, in connection with the Guildhall meeting, a further account of Russian persecutions, with an appendix on anti-Jewish legislation in Russia. This is the carefully prepared paper in which occurs the fateful sentence: "The Russian law declares all Jews to be aliens." The little book was entitled "The Persecution of the Jews in Russia," was published in London in 1891, and was promptly republished in this country by the Jewish Publication Society of America.

In 1896 he began the issue of *The Jewish Year Book*, which has become an institution. He continued its publication until his departure from England, the last one issued by him being the one for 1899. These *Year Books* were works of great usefulness. They furnished not only practical information to the many, but contained matter of historical and other scien-

tific value. Indeed, they set a standard for that kind of publication, which has since been followed in England and in our own country.

With the year 1900, the second period of Jacobs' life ended. He had in 1896 visited the United States and had delivered his lectures on "The Philosophy of Jewish History" before Gratz College in Philadelphia and before the Council of Jewish Women at New York, Philadelphia and Chicago. About this time the American Jewish Historical Society elected him one of its corresponding members.

When in 1900 the fertile brain of Dr. Isidore Singer evolved the audacious scheme of a great Jewish encyclopædia, which should enlist the service of six hundred collaborators, of whom nearly one-half were residents of countries in which English is not the national language, it was apparent that the work could not succeed unless the department for revising the MSS. was of the highest capacity and efficiency. There was but one opinion as to the proper man for the place, and Joseph Jacobs was called to enter upon his American career.

It is needless in this presence to enlarge upon the character of that enterprise. It is one of the greatest works of constructive scholarship that has been produced in America. To quote Dr. Jacobs himself:

It gives a complete Jewish history, a complete Jewish theology, a nearly complete account of Jewish literature, and the first sketch of a complete Jewish sociology.

Moreover, it furnishes illustrations to the number of nearly twenty-five hundred. Of these 63 are maps, 112 are specimens of Hebrew typography, 333 are portraits, and there is a goodly number of MSS.

Jacobs was not only the revising editor responsible for the English of the myriad articles contained in the work, but he had also his special departments in which he was an expert, namely, "Anthropology" and "Jews of England." An idea

of his labors may be obtained from the fact that about four hundred and fifty articles were written by him, and that the valuable illustrations were largely due to his efforts.

During his residence in this country he was actively engaged in practical affairs. He took a lively interest in this Society, of the executive council of which he was an active member up to the date of his death, was a working member of the publication committee of the Jewish Publication Society of America, was for some years a professor in the Jewish Theological Seminary of America, since 1906 was editor of *The American Hebrew* and since 1914 director of the Bureau of Jewish Statistics of the American Jewish Committee. With these manifold occupations he found time to make psychological experiments and observations intended to be utilized in a great book he had long planned, and to which I shall presently allude.

As far back as 1889 he had privately printed his "Plan of a projected work," which he tentatively called "The Jewish Race—A Study in National Character." It was to be divided into two main parts, with an introductory part. The introduction was to have two chapters (three sections). The first part was to have nine chapters (twenty-two sections). It was entitled "Traits." The second—the last part was to have twelve chapters (forty-two sections). Its title was to be "Historic Causes." And the whole was to be rounded out by a "Conclusion."

He had tentative titles for each of the sections. Sixteen of these had as early as 1889 been printed under various titles and there is little doubt that he had always worked at some of the others, and it may be that he left the book in a finished state. The hope that this may be so is strengthened by the remark of Prof. Marx in *The American Hebrew* of February 11, 1916, that he saw all but the concluding chapter of a work which is probably the same as that so carefully planned more than a quarter of a century since.

Needless to say, Dr. Jacobs' reputation in England was great. He was one of the leading contributors to *The Athenæum*, was called to edit *Folk-lore*, was looked upon as the leading authority on fairy tales and the migration of fables. He was president of the Jewish Historical Society of England. In Spain he was received into the Royal Academy of History, as has already been noted, and in this country the Brooklyn Institute of Arts and Sciences elected him a member and the University of Pennsylvania conferred on him its honorary degree of Doctor of Letters.

It is still too early to assign to Dr. Jacobs the place to which he is fairly entitled in the realms of English literature, of folk-lore, of anthropology, and of Jewish history and ethnology. Personally I am convinced that it will be high.

In conclusion, let me speak a word of appreciation of the man. His was a noble nature, incapable of envy. With an insatiable thirst for knowledge, he was always ready to welcome a fellow-enquirer. His abundant stores were at everyone's disposal and neither the youth nor the humble position of the worker hindered his admiration of any achievement.

He was, in the beautiful language of his friend and mine, Israel Zangwill, of

the simple brotherhood of souls that seek the highest good, . . . confronting life with kindly eyes, a scholar unafraid.

MAYER SULZBERGER.¹

In the following bibliographical list² of Jacobs' writings I have included such of his stray papers as were separately re-

¹ See *The American Jewish Year Book* 5677, pp. 68-75.

² For assistance in its compilation I am indebted to Albert M. Friedenberg and Prof. Alexander Marx. Attention may be directed to the bibliography, covering Jacobs' contributions only to Anglo-Jewish history, literature, and statistics, prepared in a compendious fashion by Dr. Israel Abrahams, and published in the *Transactions* of the Jewish Historical Society of England, vol. viii, p. 150 *et seq.*

printed, articles and reviews which he contributed to Jewish scientific journals and a list of his articles in alphabetical order, arranged by volumes, which appeared in "The Jewish Encyclopedia," and similar recent works. The list abundantly shows Jacobs' fertility. The dates of the publications do not refer to the dates of authorship of the contents, but to their collection into volumes.

- 1881-*seq.* Editorial writer *The Jewish Chronicle*.
- 1882 Persecution of the Jews in Russia, 1881 (published anonymously).
Reprinted from *The Times*, with Map and Appendix.
- 1883 The "Blood Accusation," its Origin and Occurrence during the Middle Ages (published anonymously).
Reprinted from *The Jewish Chronicle*, June 29, 1883.
Studies in Jewish Statistics.
Reprinted from *The Jewish Chronicle*.
- 1885 The Jewish Question, 1875-84. Bibliographical Hand-list.
On the Racial Characteristics of Modern Jews.
Reprinted from *Journal of the Anthropological Institute*.
- 1886 The Comparative Distribution of Jewish Ability.
- 1887 The Fables of Bidpai (edited).
Catalogue of Anglo-Jewish Historical Exhibition (with Lucien Wolf).
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³ This word signifies that Jacobs produced this article in collaboration with another contributor.

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AUGUST B. LOEB.

On Monday, August 23, 1915, at his summer residence, Ventnor, N. J., August Benjamin Loeb, of Philadelphia, passed to his eternal home after a serious and protracted illness of six months' duration.

Mr. Loeb was born in Bechtheim, Germany, August 16, 1841. At the age of ten years he came with his parents, Benjamin and Babette Loeb, and other members of his family to this country and settled in Philadelphia where he resided until his death.

He was educated in the public schools of Philadelphia. In early manhood he entered into the business life of the community with two of his brothers in the importation of foreign leather and in the manufacture of tartaric acid preparations. Of the corporation organized to carry on the latter industry he was the president, and among the pioneers of this field in the United States. He subsequently retired from the leather business and became interested in banking, and was in 1893 elected a director of the Finance Company of Pennsylvania, and of the Tradesmen's National Bank in 1896; he later became vice-president of the latter, and in 1910 its president. The last-named office he occupied until his death. During his administration the bank was brought to a high standard of efficiency and enjoyed increased prosperity. In addition to these positions he held prominent places in a fiduciary capacity in other large corporations, and was notably a director in the

Market Street National Bank, the Real Estate Trust Company, and the South Chester Tube Company, in all of which he continued to the time of his death. He was for several years a director of the Philadelphia Rapid Transit Company which controls the entire street railway system of the city.

He was a contributor to the Jewish charitable organizations, as well as to many of other denominations, but his active public work was almost exclusively given to the Jewish Hospital and Home for the Aged and Infirm of Philadelphia, with which he became associated as its treasurer in 1880, and remained in service up to the time of his death, a period of thirty-five years; he was for many years chairman of its executive committee and of the committee on investments, serving with zeal and fidelity. With ripe judgment he carefully guarded the interests of the association, and gave his best thought and influence to place it on a plane with the best of its kind.

In 1878 Mr. and Mrs. Abraham Adler, who were the parents of Mrs. Loeb, in conjunction with Mr. Loeb erected and presented to the Jewish Hospital Association the Mathilde Adler Loeb Dispensary as a memorial to Mrs. Loeb, who died in 1875. This dispensary has been of much usefulness and an important factor in the work of the hospital. It was endowed by him during his life in the sum of \$10,000, and a like amount was bequeathed by him for this purpose in his will. A bequest of \$2000 was also made by Mrs. Abraham Adler for its support. In 1864 when the association erected the new building for the Home for Aged and Infirm Israelites he and his brothers endowed a room therein in memory of their parents.

He was highly respected and esteemed in the business community of the city. He entertained the highest ideas of responsibility, and was fair and just in his dealings. He had a large circle of friends by whom he was held in high regard. He was a prudent and careful man, of sound judgment, a good counsellor and conscientious in the discharge of every duty to which he was assigned.

In accordance with his request his funeral took place from the Henry S. Frank Memorial Synagogue on the grounds of the hospital, to which he was so long attached ; it was attended by a large number of his associates of various institutions and numerous other friends.

WILLIAM B. HACKENBURG.

ISAAC L. RICE.

Isaac L. Rice, who has been a member of this Society since 1911, died in the City of New York on November 2, 1915. He was born in Bavaria in 1850, but in his youth accompanied his parents to Philadelphia, where he received his early education. He devoted himself then to music and to its teaching in New York City. He soon became a well-known figure in that city in artistic circles, and was recognized as a most competent instructor and interpreter, and a brilliant career in practice and in theory as a musician and as an historian of music seemed to lie before him. He determined, however, to abandon his labors in this direction, and took up the study of the law at Columbia University. He was particularly interested in the Political Science Department of the Law School, which had recently been established, and was graduated in 1880 with special honors in that branch of his studies. He became a lecturer and instructor in the Columbia Law School, and helped to develop and broaden the course of studies there. During this period he wrote for various reviews, notably in answer to some of Herbert Spencer's essays on railroads and theories as to the administration and finance of public utilities. His profound study of the technical side of railway and corporation finance and his power of imagination in visualizing the apparently dry details and anticipating the practical application of new and untried forces, led to his leaving the teaching and lecturing field and ultimately to great success in the largest financial undertak-

ings. Devoting himself from 1886 to 1889 to the practice of the law with Nathan Bijur, now Justice of the Supreme Court of the State of New York, and Meyer M. Friend as his associates, he became more and more familiar with the practical side of corporation organization and reorganization and litigation involving the rights and duties of promoters and inventors. While practicing law, he established *The Forum*, a well-known periodical of high literary merit, and contributed frequently to its pages. In 1889 he left the active practice of the law and devoted himself to the study of inventions, particularly in the electrical field, and to the administration of corporations formed for the application to immediate use of many such inventions. The creation and extension of the storage battery industry were largely due to his labors as president of the Electric Storage Battery Company. His organization and direction of the Electric Vehicle Company led to the widespread development of the electric automobile industry, and he founded and largely controlled the Electric Boat Company, which became preëminent in the construction and introduction of submarine boats. The sensational sale of its stock, from which large fortunes were realized, was one of the last activities of his busy and useful career. He was deeply interested in chess, had invented an opening known as "The Rice Gambit," and was most generous in his efforts to keep the international interest in the game alive. He was a picturesque figure and lived an interesting and energetic life. He was a liberal contributor to charitable works, and a large portion of his fortune has been given by his widow for the establishment of a hospital for convalescents, to bear his name, and for the endowment and assistance of various literary institutions.

SAMSON LACHMAN.

SOLOMON SCHECHTER.

On November 19, 1915, an untimely death brought to a close the rich life of Solomon Schechter, whose loss was felt almost as keenly by the Jewry of the whole world as by us in this country. In him we have lost our greatest exponent of Judaism. Solomon Schechter was born in Focsani, Roumania, probably in December (ר"חטבת), 1850. He received his first education from his father, who had emigrated from Lukasch, Russia, and exercised the function of a Shochet in Focsani. Dr. Schechter was fond of speaking of this self-denying, saintly, and scholarly man. The respect he felt towards him proved a blessing to the son even in the periods of greatest storm and stress. He felt that it was his father's influence which had kept him within the fold of conservative Judaism.

The unusually gifted boy, who learned to read Hebrew at the age of three, and knew the Pentateuch at five, was to devote his life from his early youth to the study of the Torah. At the age of ten he began to attend the Yeshiva in Piatra, a nearby town, and when about thirteen years old he was sent to one of the greatest Talmudic authorities of the time, R. Joseph Saul Nathanson, of Lemberg. After a year of assiduous study he returned home with a highly complimentary certificate from his great teacher for his zeal and the originality displayed in his studies, the more remarkable when we consider the age of the boy. In 1875 he went to Vienna. The first contact with European culture naturally made a very deep impression on the mind of the young Talmudist. The upheaval produced in so many young men of this type may be observed almost daily even at the present time. It is impossible to estimate how great a loss Judaism is suffering through the numerous defections from its ranks caused by the sudden removal of its most gifted sons from the Eastern Ghetto into the university life of the West. It requires great inner strength to withstand the influ-

ence of the new surroundings and to continue to value the inheritance of the Jewish past so little esteemed therein.

That Schechter escaped the dangers of the new environment he ascribed to the respect for his father and to the friendship of two men in Vienna, Adolf Jellinek and particularly Meir Friedmann. Jellinek recognized at once the unusual gifts of the new arrival, and did everything in his power to help him in his struggle for a living. He charged him with cataloguing his library, and procured stipends for him. What was even more appreciated, he favored him with his personal friendship, and Schechter never forgot the stimulating discussions carried on with him during long walks through the streets of Vienna. One of the prize essays, "The Library of R. Bezallel Ashkenazi traced from his Responsa and his Novellae," announced by Dr. Schechter for the Seminary for the scholastic year 1915-1916 goes back to a suggestion received at that time from Jellinek. During his stay in Vienna Schechter was a regular pupil of the Beth ha-Midrash, a modernized Talmudical high school in which Jellinek took great interest. Here he enjoyed the instruction of Meir Friedmann and Isaac Hirsch Weiss, the two scholars who in different ways showed a happy blending of old-time Talmudic scholarship with modern methods. Weiss, who had devoted himself to the presentation of the historical development of the Halakha or rather the Halakhists, wished his pupil to follow in his footsteps; but it was Friedmann, with his lovable personality and depth of feeling, who won the deeper influence over Schechter. Friedmann had shown his mastery in his editions of the oldest Midrashim and their interpretation in the true spirit of their authors. As a teacher of Midrash he was unsurpassed. In this line Schechter followed him in his first great book, to the dissatisfaction of Weiss, who did not fully appreciate the value of such editorial work and whose own editions were therefore not his highest accomplishments. Friedmann, who entrusted the instruction of his sons to

Schechter, was, I think, in Schechter's own opinion, the man who had exercised the greatest influence on him, and Schechter always remained fondly attached to him. From Weiss, who liked to exercise Rabbinical functions, from which Friedmann refrained, Schechter received the Rabbinical diploma when he left Vienna for Germany, in 1879. The document bears testimony, not only to Schechter's unusual acquaintance with Bible, Talmud, and Midrash, as well as later Jewish literature, but also refers expressly to his high moral character, which shrank back from all hypocrisy and disdained all sham.

His old friends accompanied Schechter with their good wishes and their fatherly care. Only lately I had the opportunity of reading a touching letter written by Weiss in answer to the first letter his pupil sent him from his new place of residence. A father could not have shown more solicitude for the welfare of his son than the master displayed for his pupil. He expected him to make new friends easily, as he had always possessed this gift. But he advised him particularly to cultivate the friendship of Dr. P. F. Frankl, whose acceptance of the Rabbinate of the Berlin community had been the real reason for Schechter's leaving Vienna. He had followed his old friend to his new sphere of activity. But Schechter needed no advice on that score; his deep friendship for Frankl, even the latter's death could not end.

In Berlin Schechter came in contact with all the great scholars of that city. But the only one who had a lasting influence on him was Israel Lewy, one of the foremost Talmudic critics, whose methods he followed in the Introduction to his *Abot de Rabbi Nathan*. He also enjoyed the instruction of the great Steinschneider, and although in later years he showed a certain aversion to bibliographical research of which Steinschneider was the foremost exponent, he expressed his indebtedness to the master in his first article in the *Beth Talmud*, and paid him a fine tribute in the sixteenth number of our *Publications*.

It was due to his friend Frankl that the years of study were brought to a close and that Schechter began to make use of the enormous store of learning he had accumulated. In 1882 Claude G. Montefiore, who was studying in Berlin, wished to continue in England the studies he had auspiciously started in Germany. Strangely enough in the country that harbors the greatest treasures of the Jewish past, it was not possible to find a proper teacher. It was necessary to import one, and at Frankl's recommendation of Schechter as the man he was looking for, Montefiore invited him to go with him to England. Thus Schechter joined the small band of Jewish scholars that had immigrated to England—Adolf Neubauer, Michael Friedlaender, and Simon Schiller-Szinessy—and soon secured access to the wonderful collections of the British Museum. Of these he had heard legends current in his native place, as he tells us in the first volume of his "Studies in Judaism." His studies had only sharpened his desire for them. To his rambles among the MSS. of the Museum and the Bodleian Library we owe the discovery of Saadya's commentary on the rules of interpretation and the testaments of the two sons of Rabbi Asher ben Jehiel which strongly appealed to a mind like Schechter's constantly seeking the soul in the scholar. In London Schechter finished his first great book, an exhaustive edition of the Abot de Rabbi Nathan, an important and interesting Talmudic book of ethical content, which was included in all the Talmud editions, but the text of which had suffered very much at the hands of ignorant copyists. Here for the first time a Hebrew text was published on the basis of all extant manuscripts and with the painstaking conscientiousness one was used to see applied to Greek and Latin texts, but which was almost a *novum in Hebraicis*. The learned author had discovered a second version of the book and he published this for the first time side by side with the well-known text. He had read through numberless volumes, both in print and in manuscript, to collect quotations which in some way might help

to elucidate the difficulties of the text, and all the wealth of his own knowledge and acumen were brought to bear on the interpretation of the book. Even after text and commentary were printed the author was not yet satisfied, and continued his labor, the results of which he incorporated into appendices. The publication of this volume at once put Schechter in the front rank of Jewish scholars, and for thirty years Abot de Rabbi Nathan has been quoted by all scholars only according to Schechter's edition. In the same year his essay on "The Chassidim" appeared, translated by Montefiore from the German original. Many years later it was retranslated into German and translated into Roumanian. For the first time a sympathetic picture of the Chassidic movement had been painted showing the underlying beauty of many of its teachings as well as the idealism of its founders and early representatives. The essay marked an epoch in Schechter's development. He had now entirely passed his *Sturm und Drangperiode*, and could do justice to the associations of his early youth, which on his first contact with Western life had become so repulsive to him. As a matter of fact, the respect for his father, a devoted adherent of Chassidism, had much to do with this defense of the movement. Ten years earlier, under the fresh influence of the great change he had undergone, Schechter had published a biting and very clever satire on Chassidic life in the form of letters by Chassidim. This first article of Schechter's, written in Hebrew, had appeared in a periodical anonymously, but he always felt that he owed an apology to his father for having ridiculed what the latter held in such veneration. The result was the essay on the Chassidim which now appears as the first of his "Studies."

In London Schechter for a time was connected with Jews' College, at that time under the presidency of Dr. Michael Friedlaender, one of the most modest and saintly of Jewish scholars, who always manifested the warmest friendship for Schechter. In his house Schechter also met his wife, Mathilde

Roth, who was to gain so great an influence on his life, and without whose constant and unselfish care removing every obstacle from his path at the cost of the greatest personal sacrifices, he never could have done his work as he did.

That he did not neglect the primary object of his coming to England was testified to abundantly by Montefiore, in 1892, in the introduction to his Hibbert Lectures, his first important scientific publication. In 1890 Schechter was appointed Lecturer in Rabbiniics at Cambridge University, and here his influence soon asserted itself, not only among the Jewish students, who always were welcome and felt at home in his house, but also in the circle of the Cambridge scholars, whatever may have been their specialty. Here he became the intimate friend of the famous folklorist, Sir James George Frazer, of W. W. Buckland, the Regius Professor of Law, of the Icelandic scholar Eiriker Magnusson, and many others, who found it profitable to discuss with him complicated questions connected with their own subjects. These ties of friendship persisted even after Schechter came to this country, and whenever he returned to England he was greeted with the greatest enthusiasm by his numerous friends.

In 1893 a travelling scholarship enabled Schechter to visit the great Jewish collections of Italy and to gather material in two fields, the history of the Biblical Canon and the textual criticism of the treatise Abot, in which he had been interested since his work on Abot de Rabbi Nathan had brought him face to face with its problems. In Cambridge Dr. Charles Taylor had naturally kindled this interest in the treatise to which he had himself devoted many years of labor. The material on Abot collected by Dr. Schechter is being prepared for publication by one of his former pupils, Rabbi Jacob Kohn, whom he had entrusted with this task some time ago. But his notes dealing with the history of the Canon have not been utilized yet. Though he did not exploit the material which attracted him at the outset, the Italian trip brought some important literary

discoveries in the line of Midrashic literature such as the Aggadath Shir ha Shirim. It is to be hoped that more of the material collected by him may in time become accessible. About the same time Schechter was engaged in editing a voluminous Midrash on the Pentateuch, which had reached Europe from Yemen a few years previously and which for the first time had been utilized by Schechter to whom Mr. Montefiore had presented a copy of it for his Abot de Rabbi Nathan. His uncommon mastery of the whole of the Midrash literature with its most obscure quotations enabled Schechter to discern at once that this Yemen compilation had made use of many an unknown Midrash and also offered important variations in the texts of the known books. In 1902, after ten years' work, the first volume of the Midrash ha-Gadol appeared on the eve of the editor's departure to this country. The notes and references to this interesting book show once more the master of Midrash, who could trace the great majority of the sources of the compiler even though the latter had combined the various texts into a more or less continuous work without a mention of the origin of the sentences. As Schechter states in the preface, he had read the proofs to this volume partly in some German city, partly in Rome, in Cairo, and in Jerusalem; that is to say, not only the visit to the Italian libraries had fallen into the period of printing this Midrash, but also the great turning point in his life—the discovery of the Genizah.

The existence of the Genizah at Cairo had been known before, and from time to time dealers in antiquities had stealthily abstracted old parchments from their centuries-old resting place and sold them to European or American collectors and tourists. Dr. Schechter himself told me the story of his visit to his friends Mrs. Lewis and Mrs. Gibson, who had just returned from a trip to the East, and showed him some old Hebrew leaves which the learned ladies had acquired on their journey. One of these leaves attracted his special attention, and he at once conceived the idea that it contained a piece of

the original of Ben Sira, in which he had long been specially interested, as is shown by an article of a few years before enumerating all the Hebrew quotations from this book occurring in Jewish literature. To test the correctness of his idea he had to go home, for the ladies, being strict Presbyterians, had no copy of the Apocrypha in their house. I need not dwell on the universal stir produced by the discovery of the original of the book looked upon as part of the Bible by the Christian world. It had a consequence quite unique in the annals of Jewish science. Dr. Schechter was enabled—not through Jewish liberality, it should be added parenthetically—to start immediately for Egypt, to search the Genizah at first hand for further parts of Ben Sira. With his wonderfully magnetic personality he succeeded far beyond all expectation, and was permitted by the Jewish community of Cairo to take with him all the treasures he unearthed. Together with Dr. Taylor, who had made it possible for Dr. Schechter to go to Egypt, he presented the priceless treasures to the university whose teaching staff he adorned. From that time on his scientific activity was centered on the fragments he had discovered. One must have seen him in the midst of these dusty, crumpled bits of paper to realize fully the amount of learning and quickness of perception required to separate documents of one class from the other and bring some kind of order into that chaos. It may be said without exaggeration that hardly any other single scholar has enlarged our knowledge of our past to the same degree as Dr. Schechter. He has changed our whole view of conditions in Babylonia, Palestine, and Egypt in the tenth and eleventh centuries. Various Genizah publications in the *Jewish Quarterly Review*, his *Saadyana*, etc., will always remain first-class sources of Jewish history. By no stretch of the imagination can the importance of the discovery of the Genizah be overestimated or the further discoveries be foretold that may be made in this collection which, unfortunately but for casual visits of foreign scholars, has been lying idle since Dr.

Schechter left Cambridge. Besides his volume of Ben Sira published in collaboration with Taylor the publication of the "Documents of Jewish Sectaries" has made the greatest impression. The former brought him public recognition in the professorship of Hebrew at the University of London, without his application for the post, and in the honorary Doctor's degree by Cambridge University, and the second was similarly recognized by Harvard. It is characteristic of Schechter and deserves the greatest credit that he at once recognized the importance of this puzzling and enigmatical sectarian text which, in so rich a collection of unknown fragments, would have been neglected by almost every other scholar.

Between the two publications a most important change had taken place in Schechter's life. He had given up the pleasant associations, the intimate friendships, and the quiet life of Cambridge University to devote his great powers to his own people. Largely the change was prompted also by the desire to bring up his children in Jewish surroundings. It was mainly through the efforts of some of the most farsighted members of our Society here in Philadelphia that Dr. Schechter was invited to take charge of the reorganized Jewish Theological Seminary. The remark once made by Jellinek to an English visitor, that the date of Schechter's arrival in England should be marked as epoch-making for the Jewish learning in that country, applies with even more force to his arrival in this country, April 17, 1902.

Of his activity in the seminary I will not speak here, nor of his influence on the development of Judaism in this country, which as far as such matters can be estimated by contemporaries, is known to all those present. I must however mention briefly that part of his literary activity which made him so well-known to the educated public, his "Studies in Judaism" and his "Aspects of Rabbinic Theology." In these works he shows a wonderful combination of most thorough scientific research with an admirably lucid presentation in a style en-

tirely his own, which nowhere suggests to the reader that the author not only was not born an Englishman but became acquainted with English only as a mature man. The casual reader cannot surmise what painstaking work lies behind the elegant, characteristic sentences, or what untiring research was required to establish the facts offered to the public without claim to original investigation, with the air almost that they may be found in any handbook. I shall never forget the number of books he consulted for the essay on Safed, the Responsa volumes searched from cover to cover for some stray reference that might possibly occur there, but often did not, and his happiness in finding the statutes of the Safed saints in a newly acquired manuscript of our Seminary Library. Dr. Schechter, like no other modern Jewish scholar, could put his own rich personality in the place of the mediaeval author who attracted his interest, be he a Talmudist pure and simple, a "liberal" philosopher, or, *horribile dictu*, a Cabalist. For him the rationalistic prejudice against the mystic did not exist. A man did not need the excuse that he had, besides Cabalistic writings, also a medical or mathematical work to his credit. It is due to Dr. Schechter that historical justice has been done to the Jewish saints and mystics of the Middle Ages.

His theology is characterized by its constructive tendency which offers the best apology for Judaism by developing its doctrines in a clear exposition instead of defending it by refuting its critics.

It would be entirely wrong to consider Dr. Schechter a dry scholar who spent his time among his books removed from the questions of the day. Although in England, in his official activity, he was out of direct touch with the affairs of the community, his interest in all matters Jewish was very strong. In accordance with his nature, he was in opposition to the ruling powers. Opposition to the customary and the mechanical routine of organization with its deadening effects was one of

his characteristic traits. His "Epistles to the Jews of England" manifest his interest in that Jewry. In America his position brought him face to face with the problems of our time, and compelled him to address the public regularly at the Commencements of the Seminary, occasions which a man like Schechter would naturally utilize to give expression to his own views on the burning questions of the day in his characteristic fashion. By a stroke of good fortune a few months before his death he himself carried out a plan that had occupied him since the end of the first decade after the reorganization of the Seminary, that of publishing a collection of his Seminary addresses and similar papers, giving permanent form to the addresses he had prepared with infinite care and setting forth his views on the most important problems of present-day Jewry. The volume, ending with his last public address, therefore is of great value for an understanding of the ideas for which he labored assiduously in the Seminary.

In summing up Schechter's scientific work, one finds great difficulty in stating which branch was his specialty. The progress of Biblical science he had always followed with keen interest, if frequently with serious doubts as to the correctness of the results accepted by the modern school. He had but rarely occasion to occupy himself with these questions in his books, but the Introduction to his *Ben Sira* registers his protest against the school of the day with documentary evidence, which—again characteristic of our time—has been taken up by non-Jewish scholars abroad while most Jewish scholars fight shy of Biblical studies.

Again, since his early youth, Schechter had been a master of Talmudic studies, and up to recent times he taught the Palestinian Talmud in the Seminary. In his work in preparation for an exhaustive treatise on Jewish charities, which occupied his mind very largely during the last two years, and which, alas, was not to be written by him, who like none else could

have dealt with the subject, the Halakhic aspects attracted his special attention. In the last weeks of his life he was occupied with reviewing the relevant Talmudic passages and the early commentaries upon them. The enactment passed in the middle of the second century by the Rabbinic authorities at Usha concerning tithes, of which the Babylonian and the Palestinian Talmud give diametrically different accounts, was the last scientific subject he discussed with me. He kept track of the modern scientific literature on Talmudic subjects, and complained shortly before his death that a recent dissertation on the laws of Hazaka, a new acquisition of our library, had not been brought to his attention. His article "Talmud" in the extra volume of Hasting's *Dictionary of the Bible* may be mentioned in this connection as a masterpiece of lucid presentation of a difficult subject.

To Liturgy also he only rarely refers in his publications outside of his treatment of its theological aspects, and still he was very deeply interested in this branch, lectured on it in the Seminary, and intended to write a comprehensive review of all the recent publications in this field.

Of his marvelous acquaintance with the whole Midrashic Literature I have spoken already. If the discovery of the Genizah had not intervened, Dr. Schechter would probably have finished the edition of the five volumes of the Midrash ha-Gadol and would have contributed much to the study of the history of that branch of literature.

While his work on theology has always attracted great interest, Schechter himself had to be urged on by outsiders to put his material on the subject into shape. His clear insight into the theological concepts of the Rabbis has always been admired, but somehow Schechter seemed to prefer to devote his leisure to other matters. Still the reception accorded to his "Aspects" made him think of a second volume for the discussion of some other problems of Rabbinic theology, but the plan never went beyond his casual thought.

What made him most popular, however, were his historical or, to be more definite, his biographical essays. He had wonderful ability in putting before the reader the historical setting, as a frame for the picture drawn by him with incomparable skill. It made no difference whether he wished to put before our eyes an individual or a body of scholars or saints. It is very much to be regretted that we have not more of these masterly sketches from the hand of the literary artist, which incidentally throw much light on the conditions prevailing in entire periods. His interest in Jewish history was most comprehensive; perhaps he was more attracted by the pious Jews of mediaeval Germany than by those of Spain with their secular culture. He took very little interest in the Jewish Historical Society of England, objecting to "provincial Judaism" on principle, and he was very glad when our Society, whose corresponding member he was since 1896, widened its scope to include the whole of Jewish history.

Considering Schechter's life as a whole, we may without hesitation say that it was happy in personal experience as it was in achievements. His sudden, unexpected death without antecedent suffering which his impetuous temperament could ill have borne, formed a fitting climax.

Though I may have exceeded the time allotted to me in attempting to characterize Schechter the scholar, yet I cannot conclude without devoting a few words to Schechter the man who, "higher than any of the people from the shoulder and upward," attracted attention in any gathering in which he appeared. His wonderful head expressed the man's personality. His magnetism, his happy flashes of humor, brought everybody under his spell. The brilliant expressions of his genius, uttered as unexpectedly as lightning, often made his friends wish for a Boswell to collect his utterances. His breadth of mind made possible a circle of friends and admirers unusually large and of diversified character. Nothing was

foreign to the interest of this man, who had read the masterpieces of every literature but did not refrain from indulging freely in the lighter novel to rest his mind. When his interest in a subject was roused, he sought all possible information upon it by reading almost everything written on the matter. For a time Japan was the center of his reading appetite. In certain phases of American history he always showed deep interest. He ever appreciated it if his friends drew his attention to a book worth reading on the Civil War or on Lincoln; on both subjects few people will have read more extensively than he. This unusually wide reading enabled him, in writing as in conversation, to illustrate his statements by apt quotations from all kinds of sources. He was a master in the use of such quotations and very fond of them; sometimes he even put his own words in the mouth of an indefinite somebody. He found common ground for a talk with everybody, and it was most touching to observe Dr. Schechter among children. Whatever their age, they all looked to him as a friend and he made it his business to cultivate their friendship. He always attracted children, being himself childlike in many respects.

I may be permitted to give here a personal reminiscence of my first meeting with Dr. Schechter, when in 1898 I came to England as a young student to collate the MSS. of a book, *Seder Olam*, in which I understood Dr. Schechter to be interested. Having with some difficulty made an appointment with him for a certain Sunday, I came to his house in Cambridge, an entire stranger, without any letter of introduction, and asked him whether he could give me some material for the book in question. He told me he had given up the idea of editing the book, though he had made copies of some important MSS. with his own hand and had begun to write notes on the text. Without hesitation he presented all his material, the result of considerable work, to the young stranger of whom he knew nothing. I always thought this a remarkable expression of generosity,

characteristic of his impulsive nature, which would form a predilection or an aversion in a moment and be guided by it in his actions. In the same measure, he had his strong prejudices which he was wont to express in even stronger language than they were meant. A violent diatribe by Schechter against a person did not preclude his otherwise having great respect for the man's character or abilities. His friends knew how much to deduct when Schechter relieved his feelings by such an explosion. In personal relations he went to extremes; a person was wholly good or wholly bad, he was no friend of lukewarm feeling. If he felt that he had offended a friend he would try at once to straighten the matter out again, and never was Schechter more human than in such moments of reconciliation.

I have tried to give a few glimpses of this powerful personality, but a speaker of quite different gifts is required to do justice to our departed master. I was favored with his intimate friendship for many a year and our relations will always be a cherished and sacred memory to me. To speak with one of his old Cambridge friends,

He was one of the few—the very few—men I have known who were real leaders of thought, enlighteners of the world.

We who were privileged to be his friends could not find a better expression of what we felt when he was taken from us than the words of a lifelong friend, Sir James G. Frazer, of Cambridge, who at the news of his death in a private letter, wrote the following tribute to his beloved confrère :

In him we have lost one of our truest friends and one of the finest and most remarkable men we have ever known. It would be difficult to say whether he was more admirable for the brilliance of his intellect and the readiness of his wit, or for the warmth of his affection and the generosity and nobility of his character, but I think it was the latter qualities even more than his genius which endeared him to his friends. It was a wonderful combination of intellectual and moral excellence, and the longer and the more intimately one knew him the more deeply did one

feel the impression of his greatness and goodness. I reckon it among the good fortunes of my life to have had the privilege and honor of his friendship, and I am sure that very many who knew him must feel as I do. His memory—the memory of his intellectual honesty, his generous enthusiasm for everything that was noble and beautiful, and his unmeasured contempt for everything that was base and ignoble—the memory of this will abide with us and be an inspiration to us to the end of our lives.

ALEXANDER MARX.

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CONSTITUTION.

NAME.

I. The name of this Society shall be the "American Jewish Historical Society."

OBJECTS.

II. The objects shall be the collection, preservation, and publication of material having reference to the settlement and history of Jews on the American Continent, and the promotion of the study of Jewish history in general, preferably so far as the same is related to American Jewish history or connected with the causes of emigration from various parts of the world to this continent.

MEMBERS.

III. Any person approved by the Executive Council may become a member by paying five dollars; and after the first year may continue a member by paying an annual fee of five dollars.

On payment of one hundred dollars, any person may become a life member exempt from fees.

Persons may be elected as honorary members and be exempt from the payment of fees; but no honorary member shall be elected except by the unanimous vote of the Executive Council.

Persons approved by the Council may be elected as corresponding members, and be exempt from the payment of fees.

Any member who shall have neglected or omitted to pay his annual dues for three successive years shall, on notice to him from the Treasurer of that fact and of this provision, *ipso facto* cease to be a member of this Society unless within one month after said notice he pays all of his dues in arrears

or shall be excused therefrom by the Executive Council of the Society, which is hereby authorized on proper grounds to remit said dues.

OFFICERS.

IV. The officers shall be a President, four Vice-Presidents, a Corresponding Secretary, a Recording Secretary, a Treasurer, a Curator, and an Executive Council, consisting of the foregoing officers and of twelve other members elected by the Society, with the ex-presidents of the Society. These officers shall be elected by ballot at each regular annual meeting of the Society. The additional members of the Executive Council shall be elected as provided in and by Section 3 of Article II of the By-Laws of the Society.

COUNCIL.

V. The Executive Council shall have charge of the general interests of the Society, including the election of members, the calling of meetings, the selection of papers to be read, and the determination of what papers shall be published.

AMENDMENTS.

VI. This Constitution may be amended by a two-thirds vote at any annual meeting, notice of such amendment having been given at the previous annual meeting, or the proposed amendment having received the approval of the Executive Council.

BY-LAWS.

ARTICLE I.

MEMBERS.

Section 1. The dues of members of the Society, including those elected between the 1st day of October and the 1st day of April in a fiscal year, shall be payable annually on the 1st day of October for said fiscal year in advance. Those joining as members between the 1st day of April and the 1st day of October in a fiscal year shall at such time pay dues only for the current half-year, proportionately, and thereafter shall pay full yearly dues in advance on the 1st day of October in each year.

Section 2. The fiscal year shall extend and include from the 1st day of October to the 30th day of September next ensuing in each calendar year.

Section 3. The President and the Corresponding Secretary, whenever the Society or its Executive Council is not in session, shall have the power to act upon applications for membership in the Society.

Section 4. Members whose dues are more than one year in arrear on the 1st day of October, at the opening of a new fiscal year, shall not be entitled to receive such publications as the Society may thereafter issue until and unless such dues in arrear shall have been fully liquidated.

ARTICLE II.

OFFICERS, ETC.

Section 1. The term for which officers of the Society shall be chosen is one year and until their successors shall have been duly elected and qualified.

Section 2. Vacancies occurring in the term of any officer of the Society shall be filled by the vote of a majority of the members of the Executive Council, present at any meeting thereof, for the remainder of said term.

Section 3. The term for which additional members of the Executive Council of the Society shall be chosen is three years

and until their successors shall have been duly elected and qualified. At the twenty-fourth annual meeting of the Society twelve additional members of the Executive Council shall be chosen, of whom four shall hold office as such for one year, four for two years, and four for three years, in accordance with the action of the Society at such annual meeting. The successors of each of said additional members of the Executive Council shall thereafter hold office as hereinbefore first provided.

Section 4. Vacancies occurring in the term of any additional member of the Executive Council of the Society shall be filled, until the annual meeting of the Society thereafter, by the vote of a majority of the members of the Executive Council, present at any meeting thereof. At the annual meeting of the Society thereafter, such vacancies shall be filled by election by the Society for the remainder of said original term.

ARTICLE III.

DUTIES OF OFFICERS.

Section 1. The President shall preside at all meetings of the Society and the Executive Council, fix the time and place for holding the meetings of the latter, appoint the members of all committees when not named in resolutions, fill vacancies therein, and add to the membership thereof when requested so to do by the chairmen thereof. He shall have a general supervision of the Society and be *ex officio* a member of all committees.

Section 2. In case of the death, resignation or inability of the President to perform his duties, his functions and powers shall devolve upon the Vice-Presidents in the order of seniority respectively. If the President and all the Vice-Presidents shall be absent from any meeting of the Society or its Executive Council, a chairman *pro tempore* shall be chosen for such meeting by the members present thereat.

Section 3. The Corresponding Secretary shall conduct the correspondence of the Society, under the direction of the President. He shall have charge of the Seal, Charter, Constitution, By-Laws and records of the Society and certify or attest all instruments from the Society. He shall issue all notices of meetings, and notify all members of their election and of such other matters as may be directed by the Society, the Executive Council or the President. He shall receive, duly file and safely keep all papers,

reports and documents, other than those appertaining to the Treasurer and the Curator, belonging to the Society, and at each meeting of the Society or the Executive Council report such letters and communications, as far as practicable, as he may have received since the time of his previous report. He shall distribute the minutes of meetings of the Executive Council among the members thereof within two weeks after each meeting has been held, and generally perform such other duties for the Society's business and development as may be necessary, proper and requisite.

Section 4. The Recording Secretary shall keep fair and accurate records of the minutes of each meeting of the Society and its Executive Council, and promptly transmit the same, after each has adjourned, to the Corresponding Secretary.

Section 5. The Treasurer shall receive, collect and hold subject to the order of the Executive Council all moneys, securities and other valuable papers of the Society, deposit all moneys in one or more banks or trust companies in the City of New York or elsewhere, approved by the Executive Council, pay all bills when the same are accompanied by vouchers drawn, signed and approved by the President and the Corresponding Secretary jointly, and render a financial report at each regular annual meeting of the Society and each meeting of the Executive Council. On the 1st day of April and the 1st day of October in each fiscal year he shall send bills for unpaid dues to the members of the Society, and shall notify the Corresponding Secretary of all changes and terminations in the membership of the Society. He shall notify the Corresponding Secretary on the 1st days of March and November in each fiscal year of all the members who on such dates shall be in arrears for dues, and the amounts of such arrearages.

Section 6. The Curator, under the direction of the Executive Council, shall have charge and superintendence of the library and collections of the Society, and the care and arrangement of the books, manuscripts and other articles belonging to the Society. He shall cause to be prepared and kept to date a proper catalogue and list of the same, and shall acknowledge the receipt of accessions donated to the Society. He shall expend in the purchase of books and other articles, and for their safekeeping and preservation, such sums of money, with the approbation of the Executive Council or the President, as shall from time to time be appropriated for the purpose, and render proper vouchers therefor to

the Executive Council. He shall make a full report, at each regular annual meeting of the Society, on the condition and progress of the library and the collections of the Society.

ARTICLE IV.

MEETINGS.

Section 1. There shall be held not less than two stated meetings of the Executive Council in each fiscal year. Written notice thereof shall be sent to each member of the Executive Council at least two weeks in advance thereof.

Section 2. Special meetings of the Executive Council shall be called upon the written request of at least five members thereof.

Section 3. Six members of the Executive Council shall be the requisite number for a quorum to transact business at any meeting thereof.

Section 4. Fifteen members of the Society shall be the requisite number for a quorum to transact business at any meeting thereof.

Section 5. Nothing herein contained shall operate to prevent the Society or its Executive Council from voting upon any proposition laid before either or both by mail.

ARTICLE V.

COMMITTEES.

Section 1. The following standing committees, namely: on publication, finance, and audit, shall be appointed by the President at the regular annual meeting of the Society, or within thirty days after the termination thereof, to hold office until their successors are appointed.

Section 2. The committee on publication shall consist of not less than three or more than five members, who must be officers of the Society or additional members of its Executive Council. It shall have charge of preparing, editing and issuing the publications of the Society, and has the authority by delegation from the Executive Council to determine what papers shall be published.

Section 3. The committee on finance shall consist of at least three members, of whom the Treasurer shall be one, all of whom shall be members of the Executive Council. It shall have charge

of the investments of the Society, with full power to make or alter any such in its discretion, and shall supervise and foster the permanent fund of the Society. Investments of the funds of the Society shall be limited to such as are lawful for savings banks and trustees in the State of New York, pursuant to the laws thereof made and provided from time to time.

Section 4. The committee on audit shall consist of two members. Its duty shall be to audit and examine the Treasurer's accounts and the vouchers thereunto appertaining and to report the result of its examination to the President or the Executive Council.

Section 5. A special committee on local arrangements shall be appointed to consist of not less than three nor more than five members of the Society, preferably residing in the locality at which each annual meeting of the Society takes place. Its duty shall be to care for and supervise all the details of the local arrangements for such annual meeting, including the edifice in which the same shall be held.

Section 6. A special committee on nominations shall be appointed to consist of not less than two nor more than five members of the Society, and no candidate for office shall be debarred therefrom by reason of his membership of this committee. Its duty shall be to report a list of nominees as officers and additional members of the Executive Council of the Society for election at the annual meetings of the Society.

Section 7. The right to make additional nominations from the floor at the annual meetings of the Society on the part of any duly-qualified member thereof is not abridged in any way by the provisions of Section 6 hereof.

Section 8. A special committee on programme shall be appointed to consist of three members, of whom the Corresponding Secretary shall be one. Its duty shall be to prepare and suitably print and distribute the programme of each annual meeting of the Society. It shall endeavor to secure appropriate publicity therefor, and shall have the right to determine the fitness and availability of papers to be submitted at such annual meetings, and the determination of the time to be allotted to each for presentation thereat.

Section 9. Special committees shall be appointed by the President pursuant to resolution of the Society or its Executive Council.

ARTICLE VI.

FUNDS.

Section 1. The permanent fund of the Society shall consist of the donations or bequests made to it, the payments received from members for life, and the interest and accumulations of the same. It shall not be drawn against except by and with the approval of the Executive Council by a formal vote to that end. The permanent fund shall be kept and used primarily to further research work in which the Society as such may be interested.

Section 2. The President shall have power at any time to authorize the payment of a sum or sums, not exceeding fifty dollars in the aggregate, in a single instance, out of the general fund of the Society, for the purpose of subventioning research work of any nature approved by him.

Section 3. The publication fund of the Society, as at present constituted, shall be employed so far as possible to defray the cost of the publications issued by the Society. Payments out of this fund shall be made by the Treasurer upon vouchers signed by the President and the Corresponding Secretary jointly.

Section 4. The general fund of the Society shall be employed to defray the current running expenses of the Society. Payments out of this fund shall be made by the Treasurer upon vouchers signed by the President and the Corresponding Secretary jointly.

ARTICLE VII.

SEAL.

Section 1. The seal of the Society shall consist of the following design: In the field a scroll on the face of which appear the words (in Hebrew), זכר ימות צולם, and on the circumference, American Jewish Historical Society.

ARTICLE VIII.

AMENDMENTS.

Section 1. These by-laws may be amended by a two-thirds vote of the members present at any annual meeting of the Society, notice of such amendment having been given in the printed programme of such meeting, or the proposed amendment having received the approval of the Executive Council.

Section 2. To entitle a proposed amendment to these by-laws to be included in the programme of an annual meeting of the Society, it must be formulated in writing, signed by not less than five members of the Society, communicated to the Corresponding Secretary not less than sixty days before the date of the annual meeting of the Society at which action thereon is contemplated, and notified to the members of the Society not less than ten days before the annual meeting thereof.

LIST OF MEMBERS.¹

HONORARY MEMBERS.

- Rev. Don Fidel Fita y Colomer, Calle de Isabel la Catolica, 12,
Madrid, Spain.
Dr. M. Güdemann, Oberrabbiner, I Werdertorgasse 17, Vienna,
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Hon. Andrew D. White, LL. D., Ithaca, N. Y.

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- Israel Abrahams, M. A., 11 St. Barnabas Road, Cambridge, Eng-
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Prof. George Lincoln Burr, President White Library, Cornell
University, Ithaca, N. Y.
William Vincent Byars, Temple Building, St. Louis, Mo.
A. Howard Clark, Smithsonian Institution, Washington, D. C.
Frank Cundall, F. S. A., Institute of Jamaica, Kingston, Jamaica,
B. W. I.
Xavier da Cunha, Director of Bibliotheca Nacional, Rua de
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¹This list is corrected to December 1, 1916. Kindly notify the
corresponding secretary of all errors and changes therein.

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